
(2021) 04 SHI CK 0161
In the High Court Of Himachal Pradesh
Case No : CWPOA No. 955 Of 2019

Kamla Thakur

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

Date of Decision : 20-04-2021

Acts Referred:

Citation : (2021) 04 SHI CK 0161

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : Pevinder Kumar, Anil Jaswal, Amit Dhumal

Final Decision : Disposed Of

Judgement

Jyotsna Rewal Dua, J

1. This writ petition has been filed praying for following substantive relief:-

"A) Writ of Mandamus may very kindly be issued thereby directing the respondents to count the contract period service rendered by the petitioner from the date of initial appointment i.e. 23.07.1999 till the regular appointment i.e. 03.02.2009 for the purpose of annual increment and all consequential benefits of pay fixation etc. and the period may be treated as qualifying service for the purpose of pension benefits"

2. Petitioner was appointed as Junior Basic Teacher (JBT for short) on contract basis in the respondent-department on 20.07.1999. Her services were regularized as JBT vide office order dated 7.9.2009. In the instant petition, the petitioner is praying for benefit of contractual service rendered by her for the purposes of annual increment and consequential benefits of pay-fixation etc., with a further prayer that this period be treated as qualifying service for the purpose of pensionary benefits.

3. It is not in dispute that the issues involved in this petition have already been adjudicated upon in CWP No.2411/2019 alongwith other connected matters,

titled Jagdish Chand Vs. State of Himachal Pradesh & Others, decided on 10.01.2020. Operative part of the judgment reads as under:-

"In view of above discussion, the service rendered by the petitioners on contractual basis deserves to be counted towards qualifying service for pensionary benefits under CCS(Pension) Rules 1972 and for annual increments.

Accordingly, these writ petitions are allowed. The contractual service rendered by the petitioners as Junior Basic Teachers shall be counted towards qualifying service for the purpose of pension under CCS (Pension) Rules, 1972 as well as for annual increments. The consequential financial benefits shall however be restricted to three years prior to filing of the writ petitions. The due and admissible benefits be released to the petitioners within a period of three months from today."

This petition is accordingly allowed in terms of the findings and directions given in CWP No.2411/2019 along with other connected matters, supra. The respondents are directed to release due and admissible benefits in favour of the petitioner within a period of three months from today.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.