
(2020) 09 SHI CK 0407
In the High Court Of Himachal Pradesh
Case No : CWPOA No. 2553 Of 2019

Kashmir Singh And Others

APPELLANT

Vs

State Of Himachal Pradesh And Another

RESPONDENT

Date of Decision : 25-09-2020

Acts Referred:

Citation : (2020) 09 SHI CK 0407

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Vinay Kuthiala, Vandana Kuthiala, Arvind Sharma, Kunal Thakur, Swani Jaswal, Sunny Dhatwalia

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

1. By way of present petition, petitioners have prayed for following main relief(s):

"a) A writ of Certiorari may kindly be issued to the respondents directing them to produce the entire record of the case and the impugned orders dated 23.06.2012 (Annexure P-9) may kindly be quashed.

b) A writ of mandamus may kindly be issued to the respondents directing them to grant the petitioners equal pay, allowances and benefits as are being granted and paid to other regularly appointed Chainmen, whose emoluments are not being paid from the contingency funds w.e.f. the date of regular appointment of the petitioners in the year, 1985.

c) A writ of mandamus may kindly be issued to the respondents directed them to comply with the principles of equal pay for equal work and not to discriminate against the petitioners."

2. Having heard learned Counsel appearing for the parties and perused the pleadings placed on record by respective parties, this court finds that the reliefs as have been claimed in the instant petition stand granted to them, as is evident

from the reply filed by the respondents. Precise grouse of the petitioners in the case at hand is that they are entitled to pay scale of Rs.2520-4140 as has been given to similarly situate person i.e. Ranjeet Singh. Reply filed by the respondents clearly reveals that Ranjeet was granted pay scale of Rs.2520-4140 with effect from 26.2.1997 from the date of his regularisation. Respondents, in para-9 of reply, have stated that aforesaid pay scale of Rs.2520-4140 has already been granted to the petitioners from the dates of their regularisation with effect from 31.1.1988, hence, no grouse, if any, can be made by the petitioners on this count.

3. Similarly, this Court finds that another dispute, which has been raised in the instant petition by the petitioners is that they have not been given pay scale of Rs.750/- with effect from 1.1.1986, as has been done in the case of Shri Ranjeet Singh, but careful perusal of para-6 of the reply of the respondents, clearly reveals that in terms of order passed by erstwhile Himachal Pradesh Administrative Tribunal in OA No. 378 of 1997, scale of Rs.750/- stands granted to 60 contingent paid Chainmen, with effect from 1.1.1986 including petitioners, vide letter No. KGE/EB/1-7/94-4129 dated 16.10.2002. Though aforesaid fact with regard to grant of pay scale of Rs.750/- with effect from 1.1.1986 has been disputed by learned Counsel appearing for the petitioners, however, this Court has no reason to disbelieve the same having taken note of communication dated 16.10.2002 (supra) coupled with the fact that aforesaid assertion made in the reply has not been refuted by the petitioners, in their rejoinder.

4. Consequently, in view of above, nothing remains to be adjudicated in the present petition, which is accordingly disposed of. However, respondents are directed to pay the scale of Rs.750/- to the petitioners with effect from 1.1.1986, as has been granted to other 60 contingent paid Chainmen with effect from 1.1.1986, if not already paid in terms of letter dated 16.10.2002 (supra), expeditiously, preferably within a period of eight weeks. Liberty is reserved to the petitioners to file appropriate proceedings before appropriate court of law qua their surviving grievance(s), if any.

5. Petition stands disposed of in the aforesaid terms, alongwith all pending applications.

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