

(2012) 03 SHI CK 0184
In the High Court Of Himachal Pradesh
Case No : CWP No. 9225 of 2011-C

Ms Mamta Devi

APPELLANT

Vs

The State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 12-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0184

Hon'ble Judges : Sanjay Karol, J

Bench : Single Bench

Advocate : Lalit Sehgal, for the Appellant; Vinod Thakur, D.A.G., for the Respondent

Judgement

Sanjay Karol, Judge

Petitioners have prayed for the following reliefs:

CWP No. 9225/2011

"i) That impugned action of the respondent not paying the salary to the petitioner w.e.f. 7.6.2005 to 15.6.2007 may kindly be declared unconstitutional, illegal, arbitrary and against all cannon of law.

ii) That the respondents may kindly be directed to pay the arrears of the salary/ grant in aid to the petitioner w.e.f. 7.6.2005 to 15.6.2007 along with interest, as per the law laid down by this Hon"ble Court in CWP No. 2988 of 2009 titled Sh. Babu Ram Vs State of H.P. & Others vide judgment dated 11.5.2010., when the petitioner worked with the respondents as Drawing Master on PTA basis at Government Middle School, Dhagali, Tehsil Theog, District Shimla, H.P."

CWP No. 9226/2011

"i) That impugned action of the respondent not paying the salary to the petitioner Whether reporters of the local papers may be allowed to see the judgment? w.e.f. 7.8.2006 to 15.6.2007 may kindly be declared unconstitutional,

illegal, arbitrary and against all cannon of law.

ii) That the respondents may kindly be directed to pay the arrears of the salary/ grant in aid to the petitioner w.e.f. 7.8.2006 to 15.6.2007 along with interest, as per the law laid down by this Hon"ble Court in CWP No. 2988 of 2009 titled Sh. Babu Ram Vs State of H.P. & Others vide judgment dated 11.5.2010., when the petitioner worked with the respondents as Language Teacher on PTA basis in Government High School, Dalgaon, Tehsil Rohru, District Shimla, H.P., now upgraded as Government Senior Secondary School, Dalgaon, Tehsil Rohru, District Shimla, H.P."

CWP No. 9227/2011

"i) That impugned action of the respondent not paying the salary to the petitioner w.e.f. 25.9.2006 to 15.6.2007 may kindly be declared unconstitutional, illegal, arbitrary and against all cannon of law.

ii) That the respondents may kindly be directed to pay the arrears of the salary/ grant in aid to the petitioner w.e.f. 25.9.2006 to 15.6.2007 along with interest, as per the law laid down by this Hon"ble Court in CWP No. 2988 of 2009 titled Sh. Babu Ram Vs State of H.P. & Others vide judgment dated 11.5.2010., when the petitioner worked with the respondents as Drawing Master on PTA basis at Government Senior Secondary School, Bagain, Tehsil Theog, District Shimla, H.P."

It is seen that in identical circumstances, with regard to similarly situated persons, the Division Bench of this Court, vide judgment dated 11.5.2010 in CWP No. 2988 of 2009, titled Pyre Lal and others versus State of H.P. and others, has also granted the reliefs as prayed by the petitioners.

2. The petitions are opposed only on the ground that the judgment is made applicable only to the petitioners in Pyare Lal (supra). In view of the fact that similar benefits have been accorded to similarly situated persons, the submission that the judgment is confined to the petitioners in Pyare Lal (supra) is untenable in law. Benefits are not restricted to such petitioners. As such, the directions issued in Pyre Lal (supra) shall apply mutatis mutandis to the instant case also. Consequential action shall positively be taken within a period of three months from the date of receipt of certified copy of the judgment. Monetary benefits, due and admissible, if any, be released within the aforesaid period, failing which, thereafter, the petitioners shall be entitled to interest @ 9% per annum and the same shall be recovered from the erring officials.

All the writ petitions stand disposed of. Pending application (s), if any, also stand disposed of.