

(2021) 12 SHI CK 0074

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 5723 Of 2021

Rabinder Kumar

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 22-12-2021

Acts Referred:

Citation : (2021) 12 SHI CK 0074

Hon'ble Judges : Mohammad Rafiq, CJ;Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Rajesh Verma, Ashok Sharma, Nand Lal Thakur

Final Decision : Disposed Of

Judgement

Mohammad Rafiq, CJ

1. This petition has been filed by Rabinder kumar, who is working as TGT(Arts) at Government Senior Secondary School, Dhaloon, District Kangra, H.P.

2. The grievance of the petitioner is that the respondents have not granted him the benefit of approved military service towards fixation of pay from the date of his joining first civil employment ignoring the question of educational qualifications as this issue has been decided against the respondents by Division Bench of this Court in CWP No.488 of 2001, titled as Shri V.K. Behal and others vs. State of H.P. and others vide judgment dated 29.12.2008. It is contended that the judgment of the Division Bench of this Court was assailed before the Supreme Court in Civil Appeal No.011060 of 2017, titled as R.K. Barwal and others vs. The State of Himachal Pradesh and others. The Supreme court vide judgment dated 25.08.2017, dismissed the appeal by upholding the judgment passed by the Division Bench of this Court. The learned counsel for the petitioner has also placed on record a copy of judgment dated 15.07.2020, passed in CWPOA No.231 of 2019, titled Sh. Amar Nath and others vs. State of Himachal Pradesh and others, whereby similar writ petitions have been allowed.

3. Having regard to the limited submissions and without going into the merits of the case, we dispose of the writ petition requiring the petitioner to approach respondent No.2 by means of a comprehensive representation alongwith copies of aforementioned judgments, who shall examine the case of the petitioner and if it is found to be identical to those of the writ petitioners in CWPOA No.231 of 2019, extend the same benefit to the petitioner, as has been granted by the learned Single Bench in the aforesaid judgment or shall otherwise decide the representation by a speaking order within three months from the date of submission of a copy of this judgment.

4. Pending application(s), if any, also stand(s) disposed of.