

(2012) 03 SHI CK 0438
In the High Court Of Himachal Pradesh
Case No : CWP No. 1660 of 2012-F

Rakesh Kumar and Others

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 27-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0438

Hon'ble Judges : Kurian Joseph, J; Dharam Chand Chaudhary, J

Bench : Division Bench

Advocate : Devender K. Sharma, for the Appellant; R.K. Bawa, Advocate General, with Mr. J.K. Verma, Dy. Advocate General, for the Respondent

Judgement

Justice Kurian Joseph, C.J. (Oral)

1. The Writ Petition is filed with the following prayer:-

i) That the writ in the nature of the mandamus may kindly be issued, directing the respondents to extend the benefit of due and admissible merger of 50% Dearness Allowance to the basic pay +11% DA w.e.f. 30.4.2004 and further revision there from time to time till the date of regularization with all consequential benefits and arrears accrued on this account to the petitioners with interest in view of the judgment titled as Nek Ram & Others v/s State of H.P. i.e. CWP(T) No. 14232/2008.

ii) That the respondents may kindly be directed to grant revised pay scale of Rs.5480-8925/- to the petitioners from the date of their initial appointment on contract basis till the date of regularization and arrears accrued there under be paid with interest @ 9% per annum, in the interest of justice.

As far as the issue of merger of 50% D.A. is concerned, the same is covered in favour of the petitioners by the decision of this Court in CWP (T) No. 14232 of 2008, titled Nek Ram and others versus State of Himachal Pradesh and others. The needful, in the light of the above decision, shall be done in the case of the

petitioners and the benefits, if any, to which the petitioners are found eligible, shall be disbursed to them, within a period of two months from the date of production of a copy of this judgment along with a copy of the writ petition by the petitioners before the second respondent.

2. As far as the entitlement of the petitioners for revised pay scale is concerned, the parties shall be governed by the decision of this Court in LPA No. 105 of 2010, subject to its finality. The writ petition is disposed of, so also the pending application(s), if any.