
(2010) 12 SHI CK 0060
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 8955 of 2008

Sanjeev Kumar

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 22-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0060

Hon'ble Judges : V.K. Sharma, J

Bench : Single Bench

Judgement

V.K. Sharma, J.—The petition has been filed on the following prayers vide paras 7 (I) and (ii):

(i) That the Respondents may kindly be directed to release the arrears on account of annual increments w.e.f. January, 1996 to June, 1999 and thereafter w.e.f. January, 2001 onwards and to pay arrears thereof along with interest @ 18% per annum;

(ii) That the Respondents may also be directed to grant next higher pay scale to the applicant after completion of 8 years regular service w.e.f. June, 1997 under the Assured Career Scheme and to pay arrears thereof along with interest @ 18; per annum .

2. In reply on behalf of Respondents the following stand has been taken by way of preliminary submissions:

That the applicant has joined as JBT in service on 9.6.1989 and his basic pay at the time of joining was Rs. 1200/-. The pay scale revised w.e.f. 1.1.1996 and he was erroneously given benefit of Bunching and his pay was fixed at Rs. 4850/- (Basic Pay) whereas it should have been fixed at Rs. 4550 initially. When his pay bill was submitted to treasury, Hamirpur, the treasury officer objected his bill with objection that his pay fixation is incorrect so Block P. Officer, Hamirpur, to avoid the pay anomaly corrected the mistake in this regard and his pay was

refixed on Rs. 4550 (basic) w.e.f. 1.1.1996 and awarded his annual increment w.e.f. 1.6.1996 which was due date of annual increment. Thereafter, his pay and annual increment are in order. Further, he was awarded with prop.step-up under Assured Career Progressive scheme w.e.f. 9.6.1997, after the completion of eight years regular service. Extract of statement supplied by Block Primary Officer, Hamirpur is annexed herewith as Annexure r-1 for perusal of this Hon''ble Tribunal in this regard. Hence there is no cause of action with the applicant to file the present OA.

3. Thus, it is manifest that the reply is not strictly in consonance with the case set up by the Petitioner. The record reveals that the Petitioner had submitted representations, Annexure-A1 to A3, dated 5.2.2001, 21.4.2001 and 10.6.2002, respectively to Respondents No. 2 and 3, but it appears that neither the same have been considered nor any decision taken thereon till date despite the directions issued by Respondent No. 2 to Respondent No. 3, vide letter dated 17.6.2002, Annexure A-4.

4. In view of the above, the petition is disposed of with a direction to Respondent No. 2 that subject to the Petitioner making a representation along with copies of this judgment and the aforesaid representations, Annexure-A1 to A3 within one month from today, the said Respondent shall consider the same and take a final decision in the matter in accordance with law and justice within next two months, after affording an opportunity of being heard to the Petitioner, if so desired. Needless to say that consequential benefits, if any, shall follow the decision on the representation.

5. The petition stands disposed of, so also pending CMP(s), if any.