

(2024) 05 SHI CK 0002

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 3621 Of 2024

Sant Ram & Others

APPELLANT

Vs

State Of Himachal Pradesh & Others

RESPONDENT

Date of Decision : 01-05-2024

Acts Referred:

Citation : (2024) 05 SHI CK 0002

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Manoj Rana, Anup Rattan, Pushpinder Jaswal

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

1. Notice. Mr. Pushpinder Jaswal, learned Additional Advocate General, accepts notice on behalf of the respondents.

2. By way of this petition, the petitioners have prayed for the following reliefs:-

"a) That a writ in the nature of mandamus may kindly be issued directing the respondents to fix the pay of the petitioners in the pay band of Rs. 10,300-34,800+4400 grade Pay with additional 3% promotional increment w.e.f 01.10.2012, as has been done with the incumbents promoted to the post of Head Teacher after 01.10.2012, with all consequential benefits and interest @ 9% per annum, in view of the judgment dated 07.07.2023 (Annexure P-1) passed by this Hon'ble Court in CWP No. 2500/2021 & connected matter, titled as Ranjit Singh & Ors Vs State of H.P. & Ors., when the respondents vide orders dated 19.09.2023 & 21/22.09.2023 (Annexure P-2) have decided to implement the same, in the interest of law and justice.

b) That a writ in nature of mandamus may be issued directing the respondents to consider and decide the representation Annexure P-3 dated 26.04.2024 and 29.04.2024 during the pendency of the writ petition, in the interest of law and

justice.”

3. Learned counsel for the petitioners submits that interest of justice would be served in case this Writ Petition is disposed of with the direction that let the representation made by the petitioners be considered by the Competent Authority in light of the law declared by this Court in CWP No.2500 of 2021 and connected matters, titled as Ranjit Singh and others vs. State of Himachal Pradesh & others.

4. Learned Additional Advocate General submits that though the State has no difficulty in considering and deciding the representation of the petitioners, but then it should not be construed as if the State has conceded that the case of the petitioners is covered by the judgment being relied upon by the petitioners.

5. Having heard learned counsel for the petitioners as also learned Advocate General, without expressing any opinion on the merits of the case, this Writ Petition is disposed of with the direction that let the representation of the petitioners be decided by the Competent Authority by taking into consideration the law laid down by this Court in CWP No.2500 of 2021 (supra) being relied upon by the petitioners. It is again clarified that this Court has not expressed any opinion on the merit of the case and the Competent Authority shall dispose of the representation made by the petitioners on its own merit. The needful be positively done within a period of eight weeks from today.

6. Pending miscellaneous applications, if any, also stand disposed of.