
(2021) 08 SHI CK 0185
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No.3259 Of 2020

Satish Kumar And Others

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 18-08-2021

Acts Referred:

Citation : (2021) 08 SHI CK 0185

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Naresh K. Sharma, Ashok Sharma, Adarsh Sharma, Sumesh Raj, Sanjeev Sood, J.S. Guleria

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

1. By way of this petition, the petitioners have prayed for the following relief:-

That writ of mandamus may kindly be issued, directing the respondents to grant the petitioners the benefit of approved military service towards

fixation of pay as from the date of the joining of civil employment alongwith all consequential benefits with up to date interest as same similar and

benefits granted by this Hon'ble Court in the judgment dated 15.07.2020, passed by this Hon'ble Court in the CWPOA No.231 of 2019, titled

as Shri Amar Nath and Others Versus State of Himachal Pradesh and Others (Annexure P-5).

2. Leaned counsel for the petitioners submits that as this writ petition is squarely covered by judgment, dated 15.07.2020, passed by this Hon'ble

Court in the CWPOA No.231 of 2019, titled as Shri Amar Nath and Others Versus State of Himachal Pradesh and Others, accordingly, the same can

be disposed of, by observing that the findings returned in the above mentioned judgment shall mutatis mutandis apply to this petition also.

3. Learned Additional Advocate General submits that judgment, dated 15.07.2020, passed by this Honâ??ble Court in the CWPOA No.231 of 2019,

titled as Shri Amar Nath and Others Versus State of Himachal Pradesh and Others, stands assailed by the State, by way of Letters Patent Appeal

No.70 of 2020, which is pending adjudication before Honâ??ble Division Bench of this Court, though the operation of the judgment has not been

stayed.

4. Learned counsel for the petitioners submit that in the event of this petition being disposed of in the light of the judgment, dated 15.07.2020, passed

by this Honâ??ble Court in the CWPOA No.231 of 2019, titled as Shri Amar Nath and Others Versus State of Himachal Pradesh and Others, the

petitioners undertake that they shall also abide by the adjudication in the Letters Patent Appeal Â (LPA No.70 of 2020) preferred by the State in the

said petition, which is pending adjudication.

5. Be that as it may, as prayed for by learned counsel for the petitioners, this petition is disposed of, by observing that the findings returned in

judgment, dated 15.07.2020, passed by this Honâ??ble Court in the CWPOA No.231 of 2019, titled as Shri Amar Nath and Others Versus State of

Himachal Pradesh and Others, shall also mutatis mutandis apply to this petition also and petitioners shall also abide by the outcome of the Letters

Patent Appeal No.70 of 2020, which has been assailed by the State, against the judgment rendered in Amar Nathâ??s case (supra), subject to their

legal rights. Miscellaneous applications, if any, also stand disposed of.