

(2012) 11 SHI CK 0061
In the High Court Of Himachal Pradesh
Case No : CWP No. 9516 of 2012-B

Sh. Jagdish Chand

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 06-11-2012

Acts Referred:

Citation : (2012) 11 SHI CK 0061

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

Bench : Division Bench

Advocate : Onkar Jairath, for the Appellant; R.K. Bawa, AG, with Mr. J.K. Verma, Dy. AG, for the Respondent

Judgement

Justice Kurian Joseph, C.J.—The Writ Petition is filed mainly with the following prayers:

1. That a writ in the nature of "Mandamus" and any other writ, order or direction may kindly be issued directing the Respondents to extend the benefit of merger of 50% D.A. to the petitioner in his basic pay + 11% D.A. w.e.f. 30.4.2004 as per memorandum dated 10.6.2005 with further revision thereof from time to time to the petitioner and by further directing the Respondents to pay the arrears to the Petitioner in view of the judgment delivered in case titled as Nek Ram Versus State of H.P. in CWP(T) No. 14232/2008.

2. That the Respondent may very kindly directed to grant revised pay scale of Rs. 5000-8100 to the Petitioner w.e.f. of his initial appointment i.e. 2000 to December, 2005 and grant revised pay scale of Rs. 10300-34800 + Rs. 2400 Grade Pay w.e.f. 1.1.2006 to 31.3.2009 revised from time to time and further directed to pay the arrear accrued there under in one instatement with interest @ 9% p.a. in the interest of justice.

According to the petitioner, the issue is covered in his favour by the judgment of this Court rendered in CWP (T) No. 14232 of 2008, titled as Nek Ram & others Versus State of H.P. & others, decided on 17.11.2009. If that be so, similar

treatment shall also be extended to the petitioner herein also, as extended to the petitioners in the above referred decision, in case the petitioner is also similarly situated, within a period of three months from the date of production of a copy of this judgment along with a copy of the writ petition and copy of the judgment, referred to above, by the petitioner before the second respondent/competent authority. We also make it clear that in case subject matter is pending before the Apex Court, the implementation of this judgment need only be subject to the final out come of the said case, within another two months.

2. So far as the case of the petitioner for grant of revised pay scale is concerned, the same be considered within a further period of two months after the decision rendered by this Court in LPA No. 105 of 2010. The writ petition is disposed of, so also the pending application (s), if any.