

(2011) 02 SHI CK 0110
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 12528 of 2008

Shri Joginder Singh

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 24-02-2011

Acts Referred:

Citation : (2011) 02 SHI CK 0110

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

Bench : Single Bench

Judgement

V.K. Sharma, J.—The petition has been filed on the following substantive prayers vide para 7 (i) to (v):

- i) That the Respondents may be directed to work out and to release the higher pay scale of Rs. 4020-6200 to the applicant w.e.f. 1.1.1997 on the basis of the cadre strength of 172 Fitters forthwith.
- ii) That the Respondents may be directed to work out and to release the higher pay scale of Rs. 4020-6200 to the applicant w.e.f. 1.1.1998 or to work out the benefit every year thereafter upto 1.1.2005 on the cadre strength Fitters forthwith.
- iii) That the cadre strength of Fitters had increased every year and the same is upto 220, on which the benefits of higher/revised pay scale may be directed to be worked out and released to the applicant forthwith.
- iv) That the Respondents may be directed to work out and to release the higher/revised pay scale of Rs. 4550-7200 on the cadre strength of 172 or increased cadre strength between 1.1.97 to 1.1.2005 forthwith.
- v) That the Respondents may be directed to release the arrears of higher/revised pay scale as prayed for above along with interest @ 15; p.a. from the due date till realization.

2. The Respondents have taken the following stand by way of preliminary submissions:

In this connection, it is respectfully submitted that present OA of the applicant is premature and based on conjecture and surmises. In fact the applicant is not yet eligible for the benefit/relief which he has sought through the present O.A. As per the policy of the Govt. circulated by the Finance Department notification No. FIN (PR)B(7)-1/98 dated 1.9.1998, the category of technicians were to be bifurcated in 3 categories. Senior-most 20% Technician Gr.I next 30% Technician Gr.II and remaining 50% Junior Technician. It is further submitted that total strength of Fitter as on 1.1.1996 was 163, out of which 33 number officials were given the scale of Technician Gr.I next 49 officials were given scale of Technician Gr.II and remaining 50% were given the scale of Technician Gr.III. As per the seniority name of the applicant appears at serial No. 132 as such he was not eligible for higher grade neither in 1996 nor at presently, as such he has not given higher scale as he is not eligible for the same as per the Govt. policy. He will, however, be released the requisite relief as and when he will become eligible for the same as per the Govt. Policy till that he has no claim to maintain the present O.A. as such same may kindly be dismissed in the interest of justice.

3. In view of the above reply, the petition is disposed of with a direction to the Respondents/competent authority to consider the case of the Petitioner, if otherwise eligible, for grant of higher pay scale as per Notification dated 1.9.1998, Annexure A-5, read with letter dated 6.1.2000, Annexure A-2, taking into consideration the cadre strength as on February, 2002, Annexure A-3 and 31.5.2005, Annexure-B, within three months from the date of production of copy of this judgment by the Petitioner. Needless to say that consequential benefits, if any, would follow.

4. The petition stands disposed of in the above terms, so also pending application(s), if any.