

(2010) 10 SHI CK 0236
In the High Court Of Himachal Pradesh
Case No : C.W.P. (T) No. 6507 of 2008

Smt. Amro Devi and Others	Vs	APPELLANT
State of Himachal Pradesh and Another		RESPONDENT

Date of Decision : 19-10-2010

Acts Referred:

Himachal Pradesh Civil Services (Revised Pay) Rules, 1998 — Rule 7, 8

Citation : (2010) 10 SHI CK 0236

Hon'ble Judges : Sanjay Karol, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Sanjay Karol, J.—Petitioner has prayed for the following reliefs:

- (i) That the respondents may be directed to fix salary of the applicant at Rs. 12375/- w.e.f. 1.1.1996.
- (ii) That the respondents may be directed to give all consequential benefits to the applicant due and admissible to him as a result of the fixation of his pay at Rs. 12375/- w.e.f. 1.1.1996. They may also be directed to pay arrears of salary alongwith interest @ 18% per annum.
- (iii) That the pay fixation order as per Annexure A-5 may be declared illegal and the decision conveyed vide memos dated 12.11.98 & 6.11.98 may also be held to be invalid.
- (iv) That the respondents may be directed to produce entire record pertaining to the case.
- (v) That the respondents may be burdened with the cost of this petition throughout.

2. Facts are not in dispute. Petitioner was initially getting a basic pay of Rs. 2000 - 3500/-. Same was subsequently revised to Rs. 2200 - 4000/-. Due to certain

benefits of revised scale given to the petitioner under the Himachal Pradesh Civil Service (Revised Pay)(Second Amendment) Rules, 1989 petitioner's pay was fixed at Rs. 4125/-. Vide notification dated 22.1.1998, the Himachal Pradesh Civil Services (Revised Pay) Rules, 1998 (hereinafter referred to as the 1998 Rules) were notified. At that time petitioner was actually receiving Rs. 4500/-. This however included benefits accorded to him by virtue of grant of annual increment of the master scale.

3. As a consequence of the 1998 Rules petitioner's pay was fixed in the revised scale w.e.f. 1.1.1996. The revised pay scale was Rs. 7220 - 11660/- and pay was fixed at Rs. 12,375/- which included component of Rs. 715/- as personal pay (Annexure A-4). Petitioner is aggrieved of the same.

4. Rule 7 of 1998 Rules is evidently clear. It so provides that if the amount of revised pay is higher than the maximum of the revised scale, the amount in excess of the maximum of the revised scale shall be treated as personal pay which shall be absorbed in future increments and shall be reckoned as pay for all purposes.

5. Reliance on Rule 8, by Mr. D. P. Gupta, learned Counsel appearing for the petitioner in my considered view is misconceived. Rule 8 would come into play only and only if the pay is fixed in the revised pay scale in accordance with Rule 7. The Rules in question are unambiguously clear. Consequently no fault can be found with the action taken by the respondents.

6. It cannot be said that any legally enforceable right of the petitioner stands violated. Hence the present petition devoid of any merit is dismissed.