

(2012) 11 SHI CK 0039
In the High Court Of Himachal Pradesh
Case No : CWP No. 9515 of 2012-B

Smt. Pawan Kumari

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 06-11-2012

Acts Referred:

Citation : (2012) 11 SHI CK 0039

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:

i). 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% dearness allowance with basic pay as per memorandum dated 10.6.2005 to the Petitioner 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.

ii) That a writ in the nature of mandamus and any other writ, order or direction may kindly be issued directing the Respondents to pay the revised pay scale of Rs. 4550-7220/- in place of Rs. 1200-2100/- alongwith arrears and all other consequential benefits from their initial appointment as has been given to similarly situated persons in CWP(T) No. 6037 of 2008 titled as H.P. Rajkiya Prathmik Anubandh Adhyapak Sangh Versus State of H.P. & Another.

According to the petitioner, the issue is covered in her 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.