
(2012) 03 SHI CK 0313
In the High Court Of Himachal Pradesh
Case No : CWP No. 1136 of 2012

Smt. Promila Sharma

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 07-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0313

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

Bench : Division Bench

Final Decision : Dismissed

Judgement

Justice Kurian Joseph, C.J.—The writ petition is filed with the following prayers:

i) That the impugned action of the respondents not granting the revised pay scale of Junior Basic Teacher revised vide notification dated 1.9.1998 w.e.f. 1.1.1996 of Rs. 4550-7220 to the petitioner AND not granting the benefit of the increments and not to count the contractual period for the purpose of increments w.e.f. 19.3.1998 to 31.7.2007 may kindly be declared illegal, arbitrary, discriminatory, unconstitutional and against the principles of service jurisprudence, natural justice, equal pay for equal work and legitimate expectation.

ii) That the respondents may very kindly be directed to grant the revised pay scale of Rs. 4550-7220/-to the petitioner w.e.f. 19.3.1998 (the date of her initial appointment on contract basis) to 31.7.2007 (the date of her regularization) AND to grant the benefit of the increments and to count the contractual period w.e.f. 19.3.1998 to 31.7.2007 for the purpose of increments.

The issue regarding revised pay scale is the subject matter of LPA No. 105 of 2010. The writ petition is disposed of making it clear that appropriate action in the case of the petitioner shall also be taken in accordance with the decision of LPA No. 105 of 2010, subject to its finality, within another two months.

2. Secondly, the petitioner claims the benefit of increments during the tenure/

contractual period of service rendered by her and also count the said period for the purpose of pension. According to the petitioner, the issue is covered in her favour by the judgment of this Court dated 16.12.2010 rendered in CWP No. 4510 of 2010 titled as Ravi Kumar Vs. State of H.P. and another and other connected matters. In that case, the Court has only granted liberty to the contract teachers to make representation to the Government for counting the service during the contract period also as qualifying service. Similarly, the petitioner herein also is free to file such representation before the Government and the Government may pass appropriate orders in the matter, in accordance with law, within a period of four months. Pending application(s), if any, shall also stand disposed of.