
(2011) 04 SHI CK 0305
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 14106 of 2008

Smt. Sandhya Devi Thakur	Vs	APPELLANT
State of H.P. and Others		RESPONDENT

Date of Decision : 06-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0305

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Judgement

Deepak Gupta, J.—The Petitioner is the widow of late Sh. Amar Nath who was working as a Classical and Vernacular (C&V) teacher with the State of Himachal Pradesh. According to the Petitioner, her husband was granted pay scale of Rs. 620-1200 prior to 1981 and therefore after the revision of pay scales in the year 1986 he should have been placed in the pay scale of Rs. 1640 -2925 w.e.f. 1.1.1986.

2 Though repeated opportunities were given to the State to file reply both by the learned Tribunal as well as by this Court, no reply has been filed and therefore the averments made in the petition remain uncontroverted. It is, therefore, accepted as a correct fact that the husband of the Petitioner had been granted the selection grade of Rs. 620-1200 prior to the year 1981.

3. A perusal of Annexures A-1 & A-2, which were issued on 17.12.1999 and 22.2.2000, clearly show that the Director of Education had noted that revised scale of Rs. 1640-2925 w.e.f. 1.1.1986 had not been granted to as many as 1910 Classical & Vernacular teachers who had been granted selection grade of Rs. 620-1200 before 1981. The District Education Officers were directed to grant this scale to those teachers who were left out of the benefit.

4. Unfortunately, husband of the Petitioner died on 13th October, 1990 and therefore it appears that he was not granted this pay scale. It is more than apparent that the State Government vide its letter dated 23rd March, 1989 had

granted the revised pay scale of Rs. 1640-2925 to all the C&V teachers who had been granted selection grade before 1981. Since the husband of the Petitioner fell in this grade he cannot be denied this benefit.

5. In view of the above discussion, the petition is allowed and the Respondents are directed to re-fix the salary of the husband of the Petitioner in the pay scale of Rs. 1640-2925 w.e.f. 1.1.1986 and pay the arrears alongwith interest @ 6% p.a. w.e.f. 1st October, 2003 i.e. 3 years prior to the filing of the petition before the learned Tribunal, on or before 31st October, 2011. It is also made clear that the pension and other retrial benefits payable to the Petitioner on account of death of her husband shall also have to be refixed and all these amounts alongwith interest @ 6% p.a. be also paid on or before 31st October, 2011 failing which the Respondents shall be liable to pay interest on the same @ 12% p.a. No costs.