
(2011) 04 SHI CK 0198
In the High Court Of Himachal Pradesh
Case No : LPA No. 39 of 2010

State of Himachal Pradesh and Others	APPELLANT
Vs	
Dr. Ramesh Sharma "Arun"	RESPONDENT

Date of Decision : 05-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0198

Hon'ble Judges : V.K. Sharma, J; R.B. Misra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

R.B. Misra, J.—The present LPA has been preferred against the judgment dated 11.5.2009, passed in Civil Writ Petition (T) No. 3079 of 2008 (OA No. 500/96), (Dr. Ramesh Sharma "Arun" v. State of H.P. and Anr.). The Respondent Dr. Ramesh Sharma, preferred the writ petition above mentioned before learned Tribunal seeking benefit of judgment delivered by erstwhile Himachal Pradesh Administrative Tribunal passed in OA No. 76 of 1988, (Smt. Simro Devi and Ors. v. State of H.P. and Ors.), decided on 6th April, 1995.

2. The writ Petitioner was appointed as JBT in the year 1972. Subsequent to his appointment, he acquired higher educational qualifications i.e. M.A; M. Phil, PHD prior to 27.8.1979. The State- Appellant took a decision, vide its letter dated 27.9.1979 that monetary benefit of service is to be given to all those persons who had improved their educational qualifications subsequent to their joining as Home Science Teachers. Vide another letter dated 12th May, 1987 Appellants/ State took a decision that the monetary benefits be restricted to the period of 38 months preceding the date of 1st January, 1987. It appears that the writ Petitioner has acquired higher educational qualification i.e. Ph. D prior to 27th of August, 1979 and was claiming all the monetary benefits payable to him. The case of the writ Petitioner was also fortified in view of the letter dated 14th May, 1987 of Director of Primary Education, Himachal Pradesh issued to all the District Primary Education Officers, which is extracted below:

...Please remember that these are personal scales and have nothing to do with the availability of posts. These are to be granted to them as a result of improvement of qualifications within the period 13.12.1958 to 27.9.1979....

3. The Director of Primary Education, Himachal Pradesh, has also clarified that granting of higher scales to be awarded to the teachers has nothing to do with the availability of the posts as the same was to be granted as a result of improvement of educational qualifications of teachers within the stipulated period. The writ Petitioner was excepting that he would also be granted monetary benefits, however, when the same was not done, he had approached before the learned Tribunal. Similarly situated persons when approached before the learned Tribunal seeking benefits of decision rendered by learned Tribunal in *Simro Devi* (supra), they were granted the benefits accordingly. The State-Appellant has also preferred SLP before the Hon"ble Supreme Court, which was dismissed and decision rendered in *Simro Devi* (supra), became final in respect of those writ Petitioners and also to the writ Petitioner/ Respondent herein. On such assumption and in the facts and circumstances of the case, the learned Single Judge has found that the benefit of decision in view of *Simro Devi* (supra), was also to be extended to the present writ Petitioner.

4. In our considered view, we do not find any scope of interference in the impugned order. The writ Petitioner/ Respondent herein case is squarely covered by the decision of Himachal Pradesh State Administrative Tribunal, passed in OA No. 76 of 1988 titled as *Smt. Simro Devi and Ors. v. State of Himachal Pradesh*, decided on 6th April, 1995.

5. In these circumstances, LPA being devoid of any merit and is accordingly dismissed. Accordingly, the Appellants/ Respondents are directed to release the higher pay scales to the writ Petitioner herein from the date he acquired higher academic qualifications with further direction that the writ Petitioner shall make payment within a period of four months from 11.5.2009 failing which he was entitled the interest at the rate of 9% per annum.