

(2011) 03 SHI CK 0158
In the High Court Of Himachal Pradesh
Case No : C.W.P. No. 5219 of 2010

Sunita Sharma

APPELLANT

Vs

The State of H.P. and Others

RESPONDENT

Date of Decision : 08-03-2011

Acts Referred:

Citation : (2011) 03 SHI CK 0158

Hon'ble Judges : V.K. Sharma, J

Bench : Single Bench

Judgement

V.K. Sharma, J.—The learned Counsel for the Petitioners submits at the very outset that the cases of the Petitioners are covered under judgment dated 30.07.2010, rendered by a Division Bench of this Court in CWP No. 3339 of 2010, State of Himachal Pradesh and Anr. v. Usha Sood, followed by judgment dated 18.12.2010, passed by a learned single Judge of this Court in CWP(T) No. 8576 of 2008, Vijay Kapoor v. State of H.P. and Anr., texts whereof are as under:

CWP No. 339 of 2010, State of Himachal Pradesh and Anr. v. Usha Sood:

"Challenge is to order dated 6.9.2007 in O.A. No. 3660 of 2000 passed by the Himachal Pradesh Administrative Tribunal. That order is annexed as Annexure P1. It was decided on 6.9.2007. The writ petition is filed only in 2010. Be that as it may. We find from the order that the original application was allowed in terms of decision in O.A. No. 1111 of 1994 wherein there was a direction to treat the applicants therein as Lecturer/Pandit with effect from the date they joined Sanskrit College. There was also a direction that they would be entitled to the pay scale as applicable to other similarly situated persons. However, the arrears of salary were restricted for the period of three years. The operative portion of the order reads as follows:

"In view of above discussion, the present original application is allowed in terms of decision in OA No. 1111/94 with the direction to treat the applicants as Lecturer/Pandit w.e.f. the date they joined Sanskrit College and they will be

entitled to the pay scale as admissible to other similarly situated persons. However, the arrears of salary would be admissible from a period of three years from the date of filing of the present application with difference of arrears of pay and all consequential benefits like that granted to Sh. Mahidhar Sharma TGT."

2. It is not in dispute that the decision in OA No. 1111/94 has become final. O.A. No. 3660/2000 was disposed only in terms of the said decision. Thus, the basic decision having become final, there is no point for challenging the order in O.A. No. 3660 of 2000, which is only disposed of in terms of decision in OA No. 1111/94. The writ petition is hence dismissed, so also the pending application(s), if any."

CWP(T) No. 8576 of 2008, Vijay Kapoor v. State of H.P. and Anr.

"According to Mr. Dilip Sharma, learned Counsel for the Petitioner, the matter in issue is squarely covered by the decision rendered by the Himachal Pradesh State Administrative Tribunal in O.A. No. 3660/2007, titled Usha Sood v. State of H.P. and Anr., dated 6.9.2007, as upheld by the Division Bench of this Court in CWP No. 3339 of 2010, titled State of Himachal Pradesh and Anr. v. Usha Sood, dated 30.7.2010. The facts are same and similar. Petitioner has prayed for the similar benefits, which stand accorded to the Petitioner in Usha Sood's case (supra).

2. Consequently, the directions issued in Usha Sood's case (supra) shall mutatis mutandis also apply to this case.

3. Respondents are directed to take appropriate action in accordance with law within three months from the date of receipt of this order. It is clarified that the amounts due and payable, if any, be also paid to the Petitioner within the aforesaid period, failing which, thereafter Petitioner shall be entitled to interest at the rate of 9% per annum.

4. With the above directions, the writ petition is disposed of, so also the pending application(s), if any."

2. In view of the above, if on facts, the Petitioners are covered under the aforesaid judgments dated 30.07.2010 and 18.12.2010, in CWP No. 3339 of 2010 and CWP(T) No. 8576 of 2008, and they are also similarly situate, they shall be treated similarly without any discrimination and the benefit of the said judgments shall be extended to them within three months from the date of production of copy of this judgment by the Petitioners. Needless to say consequential benefits, if any, would follow.

3. In view of the above, both the petitions stand disposed of, so also pending CMP(s), if any.