

(2011) 12 SHI CK 0377
In the High Court Of Himachal Pradesh
Case No : CWP No. 11378 of 2011-H

Surender Kumar

APPELLANT

Vs

State of H.P. and Director of Elementary Education, Himachal Pradesh, Shimla

RESPONDENT

Date of Decision : 22-12-2011

Acts Referred:

Citation : (2011) 12 SHI CK 0377

Hon'ble Judges : Kurian Joseph, C.J;Rajiv Sharma, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Petitioner was engaged as Shastri in the year 1983 on ad hoc basis. He was regularized on 1.4.1994. The pay scale of the petitioner at the time of regularization was ` 1640/- and after the regularization, the same has been reduced to Rs. 1500/-. Case of the petitioner, in a nutshell, is that ad hoc service rendered by the petitioner before regularization has not been taken into consideration for the purpose of increments and his pay scale could not be reduced after regularization from of Rs. 1640-2900 to 1500-2640.

2. Case of the petitioner is covered by the two judgments rendered by this Court in CWP (T) No. 5442/2008, titled as Ram Chand and Others versus State of H.P. and Another decided on 11.8.2010 and CWP (T) No. 5759/2008, titled Subhash Chand and Another versus State of H.P. and Others decided on 5.7.2010.

3. Accordingly, in view of above two judgments, the present petition is allowed. Respondent-State is directed to take into consideration the ad hoc service of the petitioner for the purpose of calculating increments and he shall be granted the benefit of such service. The respondents are restrained from reducing the pay scale of Rs. 1640-2900 to 1500-2640. Respondents are further directed to fix the pay of the petitioner in the aforesaid pay scale and in the corresponding scales after revision of pay scales from time to time. Pending application(s), if any, also

stands disposed of. No costs.