

(2024) 04 SHI CK 0119
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 2832 Of 2024

Surender Nath

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 30-04-2024

Acts Referred:

Citation : (2024) 04 SHI CK 0119

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : V.B. Verma, Anup Rattan, Rupinder Singh Thakur, Yudhvir Singh Thakur

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

1. The prayer made in the petition by the petitioner is for issuance of a direction to the respondents for making good the payment towards arrears of dearness allowance as also interim relief alongwith interest. Learned counsel for the petitioner has drawn the attention of this Court to the order passed by the erstwhile Administrative Tribunal in OA(M) No.68 of 2016, titled as Dr. Rattan Singh Chandel versus Additional Chief Secretary (Education) and others as also the order passed by the Hon'ble Coordinate Bench of this Court in COPCT No.1128 of 2020, titled as Dr. Rattan Singh Chandel versus Vivek Vaidya and another, decided on 22.09.2020 (Annexure P-6) and submitted that the relief which is being prayed for by the petitioner, is an issue which is no more res-integra, as it was held by the learned Tribunal that the employees of respondent No.3 were entitled for this relief, in terms of the adjudication made by the learned Tribunal, which has attained finality. Further, it is evident from the order that has been passed by the Hon'ble Coordinate Bench in the contempt petition that the order of the learned Tribunal now stands complied with.

2. At this stage, learned counsel appearing for respondent No.3 has apprised the

Court that even as far as the present petitioner is concerned, his case stands processed by the College and the same shall be forwarded to respondent No.2 within three days from today alongwith necessary recommendation. He further submits that this was done on the basis of the communication received from respondent No.2 by respondent No.3 College dated 18.04.2024, which has been made available for the perusal of the Court relevant contents whereof are being quoted hereinbelow:-

"To

The Managing Committee/Principal

MLSM College, Sundernagar,

District Mandi, H.P.

Sub: CWP No.2163 of 2024, titled as Ashok Sharma vs. State of H.P. & Ors.

Sir,

Your attention is invited to the CWP No.2163 of 2024 titled as Ashok Sharma vs. State of H.P. & Ors., which was listed before the Hon'ble High Court on 18.03.2024, 28.03.2024 and 10.04.2024 when the Hon'ble High Court has directed the respondents to impart instructions regarding grant of arrears of DA and IR to the petitioner.

Since, the case of the petitioner is squarely covered with the judgment passed in OA(M) 68 of 2016, titled as Dr. Rattan Singh Chandel vs. State of H.P. & ors., hence you are directed to submit the due and admissible claim of the petitioner to this Directorate immediately so as to examine the matter and to take necessary action in the matter accordingly.

Director of Higher Education Himachal Pradesh"

3. In this view of the matter, this writ petition is disposed of with the direction that after the receipt of the case of the petitioner from respondent No.3, necessary action thereupon be taken by the Department as expeditiously as possible and due and admissible claim be released by respondent No.2 forthwith and not later than eight weeks as from the date of the receipt of the case of the petitioner from respondent No.3. In case, due payments are released within the said period, then the petitioner shall not be entitled for any interest thereupon, but if the same is not done within the aforesaid period, then due amount shall also entail 6% simple interest from the date of the judgment. Pending miscellaneous applications, if any, also stand disposed of.