

(2024) 05 SHI CK 0137
In the High Court Of Himachal Pradesh
Case No : CWPOA No.6849 Of 2020

Vanita Sharma

APPELLANT

Vs

State Of H.P And Others

RESPONDENT

Date of Decision : 24-05-2024

Acts Referred:

Citation : (2024) 05 SHI CK 0137

Hon'ble Judges : Tarlok Singh Chauhan, J;Sushil Kukreja, J

Bench : Division Bench

Advocate : Rishi Tandon, Anup Rattan, Ramakant Sharma, Sharmila Patial

Judgement

Tarlok Singh Chauhan, J

1. The instant petition has been filed for the grant of following substantive reliefs:-

"i) That the impugned order of re-fixation of pay dated 1.12.2017 (Annexure A3) passed by respondent no. 4 and the impugned order dated 19.11.2018 Annexure A/ 5 passed by the respondent no. 3 be quashed as the same has been passed without considering the representation Annexure A/ 4 of the applicant and without even granting opportunity of hearing to the applicant.

ii) The respondent no. 4 be directed to restore the pay of the applicant to its original position before the passing of the re-fixation order vide Annexure A 3.

2. It is not in dispute that the respondents themselves have issued order dated 10th October, 2016. According to learned counsel for the petitioner, the case of the petitioner is squarely covered by the penultimate para of this order, which reads as under:-

"Now therefore, keeping in view the facts and circumstances of the case, salary of Government employee is governed as per Finance department notification issued from time to time. As a fair play and providing natural justice to all, the PGT's regularized/ appointed on or after 01.10.2012 are required to be restricted

to Rs. 14500/- in the pay scale of Rs. 10300-34800 plus 4200/- Grade Pay as per Finance notification dated 24.09.2012 instead of initial start of Rs. 16290/-. Accordingly, rectification may be done in pay fixation of those PGT's who were regularized on or after 01.10.2012 and were allowed initial start Rs. 16290/- and entry to rectification effect may be made in service book of concerned on or before 15.10.2016 by all the DDO's wherever such PGT's are presently posted. The salary of October, 2016 may be released after rectification only. Instructions regarding adjustment of excess paid will be issued separately."

3. This is a matter which is required to be considered by the employer/respondents.

4. Accordingly, we deem it appropriate to dispose of this petition with a direction to the respondents to consider the case of the petitioner, in the light of order dated 10th October, 2016, more particularly, last para of this order. This entire exercise shall be completed within a period of six weeks from today. Pending applications, if any, also stand disposed of.

List for compliance on 12th July, 2024.