

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

C.W.P. Nos. 4368 & 4378 of 2010

Decided on: 30<sup>th</sup> July, 2010.

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1. CWP No. 4368 of 2010

Shamsher Singh Pundir ....Petitioner

Versus

State of H.P. and others ...Respondents

2. CWP No. 4378 of 2010

Balvinder Singh Mahal ....Petitioner

Versus

State of H.P. and others ...Respondents

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*Coram*

The Hon'ble Mr.Justice Kurian Joseph, Chief Justice

The Hon'ble Mr. Justice Rajiv Sharma, Judge

For the Petitioner: Mr. Neel Kamal Sood, Advocate

For the Respondents: Mr. R.K. Sharma, Sr. Addl. A.G.

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**Justice Kurian Joseph, C.J. (Oral)**

Prayers made in both these writ petitions are identical and hence, the prayer of first writ petition is extracted, which reads as follows:-

“Directing the respondents to grant the pay scale to the petitioner on the Punjab pattern right from his initial date of appointment i.e. January, 1980 (as Sub Fire Officer) and subsequently higher pay scale after his promotion as Station Fire Officer, w.e.f. 25.5.2005,

strictly in accordance with the policy of the State Government in the matter of grant of pay scales to its employees on Punjab pattern, which pattern is being followed by the State of Himachal Pradesh as policy.”

2. The petitioners pray that they may be granted an opportunity of hearing before the government, while taking a decision on their representations, since so far, no reasons have been communicated to the petitioners. It is also submitted that in case, such an opportunity is given, they will be in a position to point out the precedence in the matter. Once a principle is accepted by the government in the matter of pay scales, that principle will have to be applied uniformly. Therefore, in principle, in the case of similarly situated persons the pay scales have been granted. The petitioners cannot be discriminated on the ground that same is limited to the petitioners only who came before the court. That is not healthy practice and that will only lead to docket explosion.

3. There will be a direction to the first respondent to consider Annexure P-4, filed in these cases, with notice to the petitioners and take appropriate action in accordance with law and justice within a period of four months on production of the copy of this judgment alongwith the copy of the writ petition by the petitioners.

The writ petition is disposed of, so also the pending application(s), if any.

Copy dasti.

(Justice Kurian Joseph),  
Chief Justice

(Rajiv Sharma),  
Judge

30<sup>th</sup> July, 2010(K)

