

# IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**CWP(T)No. 14656 of 2008.**

**Date of decision: 28.2.2011.**

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**Mrs. Urmila Thakur**

**.....Petitioner.**

**Vs.**

**State of H.P. & ors.**

**.... Respondents.**

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***Coram***

**The Hon'ble Mr. Justice Kuldeep Singh, Judge.**

***Whether approved for reporting?***

**For the petitioner : Mr. Ramesh Sharma, Advocate.**

**For the Respondents : Ms. Ruma Kaushik, Addl. Advocate General, for respondents No. 1 & 2.**

**Mr. Dilip Sharma, Advocate, for respondent No.3.**

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**Kuldeep Singh, Judge (Oral).**

The learned counsel for the petitioner has confined the relief in the petition for granting revised pay scale to the petitioner w.e.f. 1.1.1996. The petitioner is an employee of Samaj Uthan Samiti Mahasu, which is funded by Central Social Welfare Board, State Social Welfare Board also gives funds as per grant of State Government. It is not necessary to give further details of the case in view of the submission made by the learned counsel for the petitioner that the case of the petitioner is covered by the judgement dated 14.7.2010 passed in CWP(T) Nos. 12225 of 2008 and 12348 of 2008.

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***Whether the reporters of the local papers may be allowed to see the Judgment?***

2. The engagement of the petitioner by Samaj Uthan Samiti Mahasu has not been denied in the short reply filed by respondent No. 3. The respondents have no objections if the case of the petitioner is considered by the State government in terms of decision dated 14.7.2010 rendered in CWP(T) Nos. 12225 of 2008 and 12348 of 2008, which is as follows:-

“Since common questions of law and facts are involved in both these petitions, the same are taken up together for hearing and are being disposed of by a common judgment.

2. Petitioners are working as Balwari Teachers in the respondent No.2-Council. They were appointed in the pay scale of Rs. 400-600. Thereafter on the basis of Annexure A-11 dated 13.6.1989, they were granted pay scale of Rs. 950-1800 with effect from 1.1.1986. However, petitioners have not been released pay scale of Rs. 3120-5160 with effect from 1.1.1986. Case of the respondent-State, in a nutshell, is that Himachal Pradesh Council for Child Welfare is a voluntary organization and receiving grant-in-aid from the Indian Council for Child Welfare as well as State of Himachal Pradesh for the implementation of the schemes. There is also a reference to the Himachal Pradesh Welfare Department (Grant-in-aid to Voluntary Organization) Rules, 1981. Further case of the respondent-State is that it is for the Council to release the pay scales. The State Government has already taken initiative, as is evident from Annexure A-11 dated 13.6.1989, whereby the Council has been directed to release pay scale of Rs. 950-1800 as per Annexure (II). Since a conscious decision had been taken whereby directions were issued to the Executive Officer of the Council to release the running pay scale of Rs. 950-1800, similar exercise was required to be undertaken by the respondent-State for releasing the pay scale of Rs. 3120-5160 with effect from 1.1.1996 to the petitioners. The pay scale of Rs. 950-1800 has been revised to Rs. 3120-5160 as per Annexure A-12 (Schedule) dated 20.1.1998.

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3. Accordingly, the respondent-State is directed to consider the case of the petitioners on the analogy of Annexure A-11 dated 13.6.1989 to revise the pay scale of Rs. 950-1800 to Rs. 3120-5160 with effect from 1.1.1996. Needful be done within a period of ten weeks from the date of production of certified copy of this judgment by the petitioners.
4. In the light of above, both the petitions are disposed of. There shall, however, be no order as to costs.”

3. None has put in appearance on behalf of respondents No. 4 and 5. In these circumstances, the respondents No. 1 and 4 are directed to consider the case of the petitioner for granting revised pay scale w.e.f. 1.1.1996 in terms of judgement quoted above, and such decision be taken in four months from the date of supply of copy of this judgement by the petitioner to respondents No. 1 and 4. The petition stands disposed of on above terms. All pending applications stand disposed of.

**February 28, 2011.**  
(Hem)

**( Kuldip Singh ),**  
**Judge.**