

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No. 7192 of 2012-J.

Decided on 31st August, 2012.

Smt. Kamlesh Kumari W/o Sh. Devinder Kumar, R/o village and Post Office Bhunter, District Kullu, H.P., presently serving as Craft Teacher in Govt. Senior Secondary School Manikaran, District Kullu, H.P.

...Petitioner.

Versus

1. State of Himachal Pradesh through its Secretary (Education) to the Government of Himachal Pradesh, Shimla.
2. Director of elementary Education, Directorate of Education, Shimla, H.P.
3. Deputy Director of Elementary Education, Kullu, District Kullu, H.P.

....Respondents.

Coram

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

The Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge.

For the petitioner: Mr. Radhey Shyam Gautam, Advocate.

For the Respondents: Mr. R.K. Bawa, Advocate General with Mr. J.K. Verma, Deputy Advocate General.

Justice Kurian Joseph, C.J. (Oral)

The writ petition is filed with the following prayers:

“i) That a writ in the nature of mandamus or any other writ or order may kindly be issued directing the respondents to pay the arrears on account of fixation of her pay as per order dated 17.3.2012 (Annexure P-3) in view of the judgment rendered by this Hon'ble Court in CWP 4550/2008 decided on 16.12.2010 titled Ravi Kumar versus State of H.P. & further the period of tenure service may be counted towards pension also.”

2. The petitioner claims the benefit of increments during the tenure period of service rendered by her and also count the said period for the purpose of pension. According to the petitioner, the issue is covered in her favour by the judgment of this Court dated 16.12.2010 rendered in CWP No. 4550 of 2010 titled as ***Ravi Kumar vs. State of H.P. & others.***

3. Learned Deputy Advocate General points out that the factual aspects are to be verified by the competent authority. Petitioner submits that she would file appropriate representation furnishing all factual details before the competent authority within a period of one month from today. It is always open for her to do so.

4. Therefore, the writ petition is disposed of directing the respondent concerned to examine the matter and verify the facts in the light of the judgment referred to above and take appropriate action thereon within a period of four months from the date of the production of a copy of this judgment along with a copy of the writ petition and the copy of the judgment referred to above by the petitioner.

5. The writ petition is disposed of, so also the pending applications, if any.

(Justice Kurian Joseph)
Chief Justice

31st August, 2012
(kck)

(Justice Dharam Chand Chaudhary)
Judge.