

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 10801 of 2012-A

Date of Decision: December 31, 2012

1. Sanjay Kumar son of Shri Jai Singh, resident of village Bhatmoh, P.O. Sundla, Tehsil Salooni, District Chamba, H.P. Presently working as Drawing Master (Para Teacher) in Govt. Middle School Dughar under complex Govt. High School Pajja, Tehsil Salooni, District Chamba, H.P.
2. Bhanu Ram son of Shri Singh, resident of village and Post Office Bighai, Tehsil Salooni, District Chamba, H.P., presently working as OT Shastri (Para Teacher) in Govt. Middle School Garohan-I under Complex Govt. Sr. Sec. School Diur, Tehsil Salooni, District Chamba, H.P.
3. Jagdish Kumar son of Shri Prahlad, resident of village Danoon, P.O. Sundla, Tehsil Salooni, District Chamba, H.P. presently working as O.T. Shastri (Para Teacher) in Govt. Model Sr. Sec. School Dand, Tehsil Salooni, District Chamba, H.P.
4. Vinay Kumar son of Shri Shobia Ram, resident of village Bharwan, P.O. Sundla, Tehsil Salooni, District Chamba, H.P. presently working as P.E.T. (Para Teacher) in Govt. Middle School Dharkilod, under Complex Govt. High School Ather, Tehsil Salooni, District Chamba, H.P.
5. Rajinder Singh son of Shri Dharam Singh, resident of village Biulla, P.O. Thakri Matti, Tehsil Salooni, District Chamba, H.P. presently working as TGT (Non-Medical) (Para Teacher) in Govt. Middle School Dughar under Complex Govt. High School Pajja, Tehsil Salooni, District Chamba, H.P.
6. Daleep Singh son of Shri Chaman Singh, resident of Village Bhatmoh, P.O. Sundla, Tehsil Salooni, District Chamba, H.P., presently working as Drawing Master (Para Teacher) in Govt. Middle School Chamroli under Complex Govt. Sr. Sec. School Chaned, District Chamba, H.P.
7. Taj Deen son of Shri Iqbal Mohammed, resident of village Makoli, P.O. Diur, Tehsil Salooni, District Chamba, H.P., presently working as Drawing Master (Para Teacher) in Govt. Middle School Garohan-I under complex Govt. Sr. Sec. School Diur, Tehsil Salooni, District Chamba, H.P.
8. Pawan Kumar son of Shri Prem Chand, resident of Village Puleni, P.O. Kilor, Tehsil and District Chamba, H.P., presently working as TGT (Arts) (Para Teacher) in Govt. Sr. Sec. School Batot, P.O. Khundel, Tehsil and District Chamba, H.P.
9. Suneel Kumar son of Shri Kesar Singh, resident of village and P.O. Kail, Tehsil Dalhousie, District Chamba, H.P., presently working as Drawing Master (Para Teacher) in Govt. Sr. Sec. School Nanikhad, Tehsil Dalhousie, District Chamba, H.P.
10. Reena Naryal daughter of Shri Bhuri Singh Naryal, resident of village Seta, P.O. Koti, Tehsil and District

Chamba, H.P., presently working as Language Teacher (Para Teacher) in Govt. High School Mangla, Tehsil and District Chamba, H.P.

11. Sushil Kumar son of Shri Sukh Dev, resident of Mohalla Dharog, P.O., Tehsil and District Chamba, H.P., presently working as PET (Para Teacher) in Govt. High School Mangla, District Chamba, H.P.

.....Petitioners.

Versus

1. State of H.P. through its Principal Secretary (Education), to the Government of Himachal Pradesh, Shimla-171002.
2. Director of Higher Education, Himachal Pradesh, Shimla-1.
3. Director of Elementary Education, Himachal Pradesh, Shimla-1.
4. Deputy Director of Higher Education Chamba, District Chamba, H.P.
5. Deputy Director of Elementary Education, Chamba, District Chamba, H.P.

.....Respondents.

Coram:

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

The Hon'ble Mr. Justice Sanjay Karol, Judge.

For the Petitioners : Mr. Surender Kumar, Advocate.

For the Respondents : Mr. Shrawan Dogra, Advocate General with Mr. J.K Verma, Deputy Advocate General.

Justice Kurian Joseph, C.J. (Oral)

The writ petition is filed mainly with the following prayer:-

“i) That a writ in the nature of mandamus and any other writ, order or direction may kindly be issued directing the Respondents to extend the benefit of merger of 50% dearness allowance to basic pay as per memorandum dated 10.6.2005 to the petitioners by further directing the respondents to pay the arrears to the petitioners in view of the judgment delivered in case titled as Nek Ram vs. State of H.P. in CWP(T) No.14232/2008 as well as judgment dated 7th November, 2012 delivered by

this Hon'ble Court in CWP No.4954 of 2012-F titled as Madan Lal vs State of H.P. and others.

ii) That the respondents may very kindly be directed to grant/pay the revised pay scale and other benefits w.e.f. their initial appointments to the petitioners with all consequential benefits and the arrears accrued thereunder be paid with interest @9% per annum."

2. According to the petitioners, the issue is covered in their favour by the judgment of this Court rendered in *CWP No. 4954 of 2012*, titled as *Madan Lal & others versus State of H.P. & others*, decided on 7.11.2012. If that be so, similar treatment shall also be extended to the petitioners herein also, as extended to the petitioners in the above referred decision, in case the petitioners are also similarly situated, within a period of three months from the date of production of a copy of this judgment along with a copy of the writ petition by the petitioners before the competent authority.

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

Copy dasti.

(Justice Kurian Joseph),
Chief Justice.

December 31, 2012_(sd)

(Justice Sanjay Karol),
Judge.