

IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA.

CWPs No. 4651/2012-F & 4830/2012-C.

Decided on: 29th June, 2012.

1. CWP No. 4651 of 2012-F.

Kulwant Singh s/o Sh. Phoola Ram VPO Baragran, Tehsil Barsar,
Distt. Hamirpur presently working as Lecturer Economics at Govt.
Senior Sec. School, Kapahra, Tehsil Ghumarwin, Distt. Bilaspur.
Petitioner.

Versus

1. State of HP through Principal Secretary (Education) to the Govt. of HP Shimla-2.
2. Principal Secretary Finance to the Govt. of H.P. Shimla-2.
3. Director Education (Higher) office of Director of Education (Higher) Lal Pani, Shimla-1.
4. Director of Higher Education, Hamirpur, office at Hamirpur, HP.
5. Principal GSSS Maharal, Tehsil Barsar, Distt. Hamirpur, HP.

Respondents.

2. CWP No. 4830 of 2012-C.

Subhash Chand s/o Sh. Bhagat Ram r/o village Ramehra PO Jaura
Amb, Tehsil Barsar, Distt. Hamirpur, HP presently working as
Lecturer Commerce at Govt. Senior Sec. School Bani, Tehsil Barsar,
Distt. Hamirpur, H.P.

Petitioner.

Versus

1. State of HP through Principal Secretary (Education) to the Govt. of HP Shimla-2.
2. Principal Secretary Finance to the Govt. of H.P. Shimla-2.
3. Director Education (Higher) office of Director of Education (Higher) Lal Pani, Shimla-1.
4. Director of Higher Education, Hamirpur, office at Hamirpur, HP.
5. Principal GSSS Bani, Tehsil Barsar, Distt. Hamirpur, HP.

Respondents.

Coram

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

For the Petitioners : Mr. Rajesh Kumar, Advocate.

**For the Respondents : Mr. R.K. Bawa, Advocate General
with Mr. Ankush Dass Sood, Addl.
AG and Mr. J.K. Verma, DAG.**

Justice Kurian Joseph, C.J. (Oral)

The Writ Petition is filed with the following prayers:-

I. Issue of writ of mandamus to the respondents to pay the petitioner appropriate dearness allowance including merger thereof on the pay scale of the post granted and revised at relevant point of time in terms of the judgment dated 17.11.2009 passed in CWP (T) No. 14232 of 2004 titled as Nek Ram vs. State of H.P.

II. Issue of writ of mandamus to the respondents to pay the petitioner arrears of pay on the basis of pay scale of the post granted and revised at relevant point of time from the date of initial appointment on contract for the period of contract service in terms of the judgment dated 30.11.2010 passed in CWP (T) No. 6037 of 2008 titled as HP Rajkiya Prathmik Anubandh Adhyapak Sangh vs. State of HP and judgment dated 31.8.2011 passed in CWP(T) No. 1535/2009 titled as Kamal Singh vs. State.”

2. According to the petitioners, the issue is covered in their favour by the judgment of this Court rendered in **CWP (T) No. 14232 of 2008**, titled as **Nek Ram & others Versus State of H.P. & others, decided on 17.11.2009**. If that be so, similar treatment shall also be extended to the petitioners herein also, as extended to the petitioner 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 petitioner concerned before the third respondent.

3. The writ petitions are disposed of, so also the pending application(s), if any.

(Justice Kurian Joseph),
Chief Justice

29th June, 2012.
(tr)

(Justice Dharam Chand Chaudhary),
Judge.