

**IN THE HIGH COURT OF HIMACHAL PRADESH,**  
**SHIMLA.**

**C.W.P. No. 841 of 2013-E**  
**Decided on: 28<sup>th</sup> February, 2013**

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Sarla Devi, W/o Sh. Satish Kumar, R/o Village and P.O. Upper Tehru, Tehsil Jasinghpur, District Kangra, H.P., presently posted as Art & Craft Teacher (Para Teacher) at Govt. Middle School Maharaja Nager under complex Govt. High School Harot, District Kangra, H.P.

...Petitioner

Versus

1. State of Himachal Pradesh through its Secretary (Education) to the Government of Himachal Pradesh, Shimla-2.
2. Director of Higher Education, Himachal Pradesh, Shimla-1.
3. Head Master, Govt. High School Upper Lambagaon, District Kangra, H.P.

...Respondents

***Civil Writ Petition under Articles 226 of the  
Constitution of India.***

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*Coram*

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

***The Hon'ble Mr. Justice Rajiv Sharma, Judge.***

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For the petitioner : Mr. Dalip K. Sharma, Advocate.

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

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

The writ petition has been filed with the following  
prayers:

“(a) That a writ of mandamus may kindly be issued directing the respondent to extend the benefit of merger of 50% dearness allowances to basic pay + 11% DA w.e.f. 30.4.2004 as per memorandum dated 10.6.2005 & further revision from time to time 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*.

(b) That the respondent may very kindly be directed to grant revised pay scale of Rs. 5000-7500 to the petitioner w.e.f. 1.4.2007 and further revision of pay scale of Rs. 10300-34800 plus grade pay of Rs. 3200 and the arrears accrued there under be paid with interest @ 9% per annum in the interest of justice and further directing the respondents to release 3% increase/hike in the pay as increment every years has been notified by the government in respect of similarly situated teachers. The respondents may be further directed to grant 3% increment to the petitioners as is being paid to the contract teachers from the date the contract teachers have been held entitled, in the interest of justice.”

**2.** According to the petitioner, she is similarly situated as the petitioner in the decision rendered by this Court in CWP No. 4954 of 2012, titled **Madan Lal and others Vs. State of Himachal Pradesh and others**, decided on 07.11.2012. In case the petitioner is similarly situated as the petitioners in the judgment referred to above, similar treatment shall be given to the petitioner herein also,

after verifying the facts, within a period of two months from the date of production of a copy of this judgment alongwith a copy of the judgment referred to above, by the petitioner before the competent authority.

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

(Justice Kurian Joseph),  
Chief Justice.

(Justice Rajiv Sharma),  
Judge.

February 28, 2013.  
(bhupender/kalpana)