

CMP-T No. 474 of 2021

30.09.2021

Present: Ms. Megha Kapoor Gautam, Advocate, for the applicant/petitioner.

Mr. Sudhir Bhatnagar, Additional Advocate General with Mr. Narinder Thakur and Mr. Kamal Sharma, Deputy Advocate Generals, for the defendant-State.

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By way of instant application filed under Rule 4 of the H.P. High Court Writ Rules read with Section 152 of CPC, prayer has been made on behalf of the applicant/petitioner for recalling of order dated 27.08.2020, passed by this Court in CWPOA No. 4705 of 2019, whereby this Court having taken note of the statement made by learned counsel representing the petitioner that case of petitioner is squarely covered under the judgment dated 26.12.2019, passed by Division Bench of this Court in CWPOA No. 195 of 2019, titled *Smt. Sheela Devi vs. State of H.P. and others*, disposed of the case with the directions to the respondents to decide the same in the light of aforesaid judgment.

Ms. Megha Kapoor Gautam, learned counsel, representing the applicant/petitioner, states that inadvertently she made statement on 27.08.2020 that the case of the petitioner is covered by Sheela Devi (supra), which was for counting of past service for the purpose of pension. She further states that the case at hand relates to pay fixation and as such, same cannot be decided, in light of Sheela Devi (supra).

No reply is intended to be filed to the application by non-applicants/respondents. Learned Additional

Advocate General, states that he has no objection in case prayer made in the application is allowed.

Consequently, in view of the above, order dated 27.08.2020, passed by this Court in CWPOA No. 4705 of 2019, is recalled and aforesaid petition is ordered to be restored to its original number.

Application stands disposed of.

CWPOA No. 4705 of 2019

List this matter for hearing after four weeks.

**(Sandeep Sharma)
Judge**

30th September, 2021
(reena)