



IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

ON THE 16th DAY OF MARCH, 2022

BEFORE

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ,

CHIEF JUSTICE

&

HON'BLE MS. JUSTICE JYOTSNA REWAL DUA

CIVIL WRIT PETITION (ORIGINAL APPLICATION)

No.5265 of 2020

Between:-

BELI RAM JOSHI
S/O LATE SHRI SAVIR DASS,
R/O VILLAGE DEOTHI, POST OFFICE NOGLI,
TEHSIL RAMPUR, DISTRICT SHIMLA, H.P.

.....PETITIONER

(BY MS. SHREYA CHAUHAN, ADVOCATE)

AND

1. STATE OF HIMACHAL PRADESH
THROUGH PRINCIPAL SECRETARY (EDUCATION),
GOVERNMENT OF HIMACHAL PRADESH,
SHIMLA-171002 (H.P.)

2. DIRECTOR OF HIGHER EDUCATION,
HIMACHAL PRADESH, SHIMLA-171001 (H.P.)

.....RESPONDENTS

(BY MR. ASHOK SHARMA, ADVOCATE GENERAL
WITH MR. NAND LAL THAKUR, ADDITIONAL
ADVOCATE GENERAL)

*This petition coming on for admission this day,
Hon'ble Mr. Justice Mohammad Rafiq, passed the following:*

ORDER

This petition has been registered on being transferred from the H.P. Administrative Tribunal (in short 'Tribunal'), where it was filed as an original application by the petitioner-Beli Ram Joshi, on 01.09.2018.

2. The prayer in the writ petition made by the petitioner is that the respondents may be directed to grant University Grants Commission Grade of Rs.700-1600/- w.e.f. 01.04.1980 and the revised pay scales from 01.01.1986 as has been granted to the similarly situated persons pursuant to judgment dated 18.05.2009 in CWP(T) No.4436/2008, titled V.D. Saraswati Versus State of Himachal Pradesh, which was affirmed by the Division bench of this Court vide judgment dated 23.12.2015 in LPA No.146 of 2009, titled State of H.P. and another Versus V.D. Saraswati and others and connected matters, and not as per the impugned order dated 17.10.2017.

3. Learned Advocate General submits that the order dated 17.10.2017 has been passed strictly in conformity with the directions of the Division Bench of this Court in its judgment dated 23.12.2015, whereby all the matters were allowed in terms of the judgment passed in LPA No.237 of 2010, but the benefit of arrears was restricted to three years prior to the date of filing of the writ petitions.

In the present case, the original application was filed by the petitioner before the Tribunal on 01.09.2018, therefore, the actual monetary benefits will have to be restricted to a period of three years antedated and not before.

4. Having regard to the submissions made, we dispose of the present petition, requiring the petitioner to make a comprehensive representation to respondent No.2, the Director Higher Education, Himachal Pradesh, stating therein as to how in his perception, the aforesaid judgment has not been correctly implemented in his case. Respondent No.2 shall examine the case of the petitioner afresh in light of the aforesaid judgments and decide the representation by a speaking order, within a period of six weeks from the date of submission of the representation alongwith a copy of this order.

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

(Mohammad Rafiq)
Chief Justice

(Jyotsna Rewal Dua)
Judge

March 16, 2022
R.Atal/Mukesh