



IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA
ON THE 6th DAY OF JANUARY, 2022

BEFORE
HON'BLE MR. JUSTICE MOHAMMAD RAFIQ,
CHIEF JUSTICE
&
HON'BLE MS. JUSTICE JYOTSNA REWAL DUA

CIVIL WRIT PETITION No.2 of 2022

Between:-

SUSHMA KUMARI
W/O SHRI RAMAN KUMAR,
R/O ADHUNIK VIHAR, MAMOON,
PATHANKOT, DISTRICT PATHANKOT, PUNJAB,
AT PRESENT BLOCK DEVELOPMENT OFFICER,
DEVELOPMENT BLOCK NAGROTA SURIAN,
DISTRICT KANGRA, HIMACHAL PRADESH

.....PETITIONER

(BY MR. SURINDER SAKLANI, ADVOCATE)

AND

1. STATE OF HIMACHAL PRADESH
THROUGH ITS PRINCIPAL SECRETARY
(FINANCE) TO THE GOVT. OF HIMACHAL
PRADESH, SHIMLA-171002
2. THE PRINCIPAL SECRETARY (RURAL
DEVELOPMENT) TO THE GOVERNMENT
OF HIMACHAL PRADESH, SHIMLA-2
3. DIRECTOR, RURAL DEVELOPMENT,
HIMACHAL PRADESH, SHIMLA-9

.....RESPONDENTS

(BY MR. ASHOK SHARMA, ADVOCATE GENERAL
WITH MS. RITTA GOSWAMI, ADDITIONAL
ADVOCATE GENERAL)

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

ORDER

This writ petition has been filed by the petitioner- Sushma Kumari, for grant of following substantive reliefs:-

- a). *That a writ in the nature of mandamus may kindly be issued thereby directing the respondents to grant the pay scale/pay band of Rs.10,300-34800+grade pay 5400/- instead of grade pay Rs.5000/- from the date of promotion/joining on the post of BDO i.e. w.e.f. 2012/2016, with all consequential benefits in the interest of law and justice.*
- b) *That the respondents may be directed to fix the pay of the petitioner on the basis of grade pay of Rs.5400/- in view of judgment rendered by this Hon'ble Court in CWP No.3660/2012 titled as Kulbir Singh Rana & Ors. vs. State of H.P. & Anr. decided on 20.09.2012 (Annexure P-1), this Hon'ble Court has also allowed the CWPs No.1641/2021, 1642/2020 & 1538/2020 filed by Smt. Pushpa Devi, Sh. Satish Kumar and Sh. Atma Ram respectively on 17.06.2020 & 18.06.2020 (Annexure P-2).*
- c) *That the respondent may be directed to grant all consequential reliefs in pursuance to pay fixation in the pay band of Rs.10,300-34800 with grade pay of Rs.5400/- in the interest of law and justice."*

2. Mr. Surinder Saklani, learned counsel for the petitioner states that the issue in question is squarely covered by the judgment rendered by this Court in **CWP No.3660 of 2012**, titled as **Kulbir Singh Rana & Ors. vs. State of H.P. & Anr.**, dated 20.09.2012 (Annexure P-1). Learned Additional Advocate General is not in a position to dispute this.

3. Accordingly, for the reasons stated in the said judgment, which shall apply *mutatis mutandi* to the facts of the present case, the same is allowed. Let consequential action in terms of the aforesaid judgment be taken within a period of eight weeks from today.

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

January 06, 2022
Mukesh