IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

COPC(T) No. 289 of 2020
Decided on: June 24, 2020

Kishori Lal Sharma and others .....Petitioners

Versus

A.J.V. Prashad and others ....Respondents

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? [1]No.

For the Petitioners	**:**	Mr. D.N. Sharma, Advocate, through video-conferencing.
For the Respondents	**:**	Mr. Sudhir Bhatnagar, Additional Advocate General with Mr. Kunal Thakur, Deputy Advocate General, through video-conferencing

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Sandeep Sharma, Judge (oral):

By way of instant contempt petition filed under Ss. 2 and 12 of the Contempt of Courts Act, 1971 read with Art. 215 of the Constitution of India, prayer has been made on behalf of the petitioners for initiation of contempt proceedings against the respondents for having willfully and intentionally disobeyed order/judgment dated 16.12.2016 passed by erstwhile Himachal Pradesh Administrative Tribunal in OA No. 6801 of 2016, titled Devika Rani and others vs. State of Himachal Pradesh and others, whereby learned Tribunal below, having taken note of the statement made by learned Counsel appearing for the petitioners alongwith other applicants in the Original Application, that their case is squarely covered by

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[1] *Whether the reporters of the local papers may be allowed to see the judgment?*

judgment dated 30.11.2010 rendered by this Court in CWP(T) No. 6037 of 2008, titled H.P. Rajkiya Prathmik Anubandh Adhyapak Sangh vs. State of H.P. and another, upheld in LPA No. 108 of 2012, titled The State of H.P. and another vs. Himachal Pradesh Rajkiya Prathmik Anubandh Adhyapak Sangh and connected matters and further judgment dated 13.12.2012 rendered in LPA No. 105 of 2010, titled State of HP and others vs. Rakesh Chand and others, directed the respondents to consider the case of the petitioners in light of the aforesaid judgments and grant similar benefits to them, if they are found to be similarly situate, within three months from the date of production of a certified copy of the order/judgment. Since the respondents did not comply with the order/judgment passed by Himachal Pradesh Administrative Tribunal, petitioners have approached this Court in the instant proceedings, praying therein to take appropriate action against the respondents, in accordance with law.

2. Having carefully perused the reply filed by the respondents, this Court finds that the Government of Himachal Pradesh vide letter dated 18.8.2016 has already accorded approval for implementation of order passed by this Court in CWP(T) No. 6037 of 2008 and COPC No. 456 of 2014, in respect of the petitioners and directions were given to all the Deputy Directors of Elementary Education vide letter No. EDN-

H(Elem)(IV)B(6)E-111, dated 31.8.2016 to ensure the benefits only to the petitioners who fall in the list of petitioners in CWP(T) No. 6037 of 2008 and thereafter, direction was given to all the Deputy Directors of Elementary Education vide letter dated 3.3.2017 to allow benefits to the persons, whose cases have been decided on the analogy of judgment rendered in CWP(T) No. 6037 of 208. It is further stated in the reply that all the petitioners were already getting revised pay scales as they have been regularized between 2005 to 2008 and they have filed cases in 2016 and the Government has restricted the arrears to 36 months in terms of instructions dated 15.12.2011.

3. In view of the aforesaid averments made in the reply, this Court finds that nothing remains to be adjudicated in the present proceedings, which are accordingly closed. Liberty is reserved to the petitioners to initiate appropriate proceedings in the competent Court of law if they still remain aggrieved. Needless to say, order of consideration passed in the cases of the petitioners, if any, shall be supplied to them within a period of ten days from the date of passing of such order, enabling the petitioners to file appropriate proceedings in the competent Court of law, if so required and desired. Notices issued to the respondents are discharged.

(Sandeep Sharma)
Judge

June 24, 2020
(vikrant)