IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.3738 of 2022

Date of decision : 22.04.2024

Rajni Devi ...Petitioner.

Versus

State of H.P. & Others ...Respondents.

Coram:

The Hon'ble Mr. Justice Satyen Vaidya, Judge.

Whether approved for reporting?[1]

For the petitioner : Mr. Vikas Rathore, Advocate.

For the respondents : Mr. L.N. Sharma, Additional Advocate General, for respondents.

Satyen Vaidya, Judge (Oral):

By way of instant petition, the petitioner has prayed for following reliefs:-

(i) That the impugned order dated 28.05.2022 contained in Annexure P-4 may kindly be quashed and set aside.

(ii) That the respondents may kindly be directed to extend the benefits of PTA Grant in Aid Rules 2006 to the petitioner without any discrimination, from the date of initial appointment.

(iii) That the instant writ petition may kindly be allowed and the respondents may kindly be

[1] ***Whether reporters of Local Papers may be allowed to see the judgment?***

directed to extend the benefit of Grant-in-Aid in favour of the present petitioner at par with the similarly situated persons with all consequential benefits and take a decision in the light of the judgment passed by Hon'ble Court in CWP 2549/2015 titled 'Raj Sharma vs State of HP' and CWP 2638/2015 titled 'Devi Saran vs. State of H.P.' (Annexure P-7 and P-8).

2. The grievance of the petitioner is that she has been continuously working since June 2010 in GSSS, Pahara, Tehsil Palampur, District Kangra, as Drawing Master after her appointment was made by the PTA of the School.

3. The respondents were directed vide order dated 28.03.2024 to clarify as to from which head the petitioner has been paid her remuneration since the month of June 2010.

4. The instructions dated 18.04.2024 have been placed on record and on its basis this Court passed the following order on 19.04.2024:-

"Instructions have been placed on record and it is revealed that the petitioner has throughout been paid her emoluments from PTA basis.

This Court has already decided an identical issue in the matter titled as Kishore Kamta vs. State of

H.P. & others, CWP No.1901 of 2015. Learned Additional Advocate General to seek instructions as to where the judgment in Kishore Kamta (supra) has been implemented or not."

5. Today, learned counsel for the petitioner has placed a copy of Office Order dated 01.03.2024, which reveals that the State Government has implemented the judgment in the matter of CWP No.1901 of 2015 titled as '*Kishore Kamta vs. State of H.P.*'.

6. Since, the case of the petitioner involves identical question, therefore, there cannot be any discrimination or disparity in the case of the petitioner. Accordingly, Order dated 28.05.2022 (Annexure P-4) is quashed and set aside and the petitioner is held entitled to Grant-in-Aid. Further, the respondents are directed to issue Grand-in-Aid in respect of the petitioner from the date of her appointment within a period of six weeks from the date of passing of this order.

Petition is accordingly disposed of. Pending application(s), if any, also stand disposed of.

(Satyen Vaidya)
Judge

22nd April, 2024
(Pardeep)