IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP Nos.4379, 4380, 4381, 4382, 4398 & 4399/2024
Decided on: 21st May, 2024

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1. CWP No.4379 of 2024

Raj Kumar Sharma ....Petitioner

Versus

State of H.P. & Ors. ...Respondents

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2. CWP No.4380 of 2024

Brij Lal ....Petitioner

Versus

State of H.P. & Ors. ...Respondents

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3. CWP No.4381 of 2024

Padam Dev ....Petitioner

Versus

State of H.P. & Ors. ...Respondents

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4. CWP No.4382 of 2024

Jeet Ram ....Petitioner

Versus

State of H.P. & Ors. ...Respondents

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5. CWP No.4399 of 2024

Gayatri Bhagchanta ....Petitioner

Versus

State of H.P. & Ors. ...Respondents

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6. CWP No.4398 of 2024

Madhu Singh & Ors. ....Petitioners

Versus

State of H.P. & Ors. ...Respondents

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Ms. Justice Jyotsna Rewal Dua,

[1] *Whether approved for reporting?*

For the petitioner(s): Mr. Sanjay Gandhi and Ms. Durga Bahadur, Advocate vice Mr. Prem P. Chauhan, Advocate, for the petitioners in the respective petitions.

For the respondents: Mr. Anup Rattan, Advocate General with Mr. R.S.Verma, Mr. Y. P. S. Dhaulta and Mr. L.N.Sharma, Additional Advocates General, for the respondents/State.

Mr. Tek Ram Sharma, Advocate for the respondent-Accountant General.

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

Jyotsna Rewal Dua, Judge

The writ petition being CWP No.4398 and 4399/2024 has been filed for the grant of following substantive relief:-

> *" To issue writ of mandamus, appropriate writ, order or direction in nature thereof, directing the respondent department to release benefits of pay revision to the petitioner w.e.f. 01.01.2016 alongwith arrears of pay and pensionary benefits, DCRG, communication, Leave Encashment alongwith interest @9% p.a with all consequential benefits for all purposes and intents."*

The writ petitions being CWP Nos.4379 to 4382/2024 have been filed for the grant of following substantive relief:-

> *"(i) That keeping in view of the submissions made here-in above, that the present Writ Petition may kindly be allowed and the respondents may kindly be directed to release the arrears of revised pay from 01.01.2016 till 31.12.2021 and arrears of revised pension from 01.01.2022 till 28.02.2022 till the actual payment is made alongwith 9% interest.*
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> *ii) That the respondents may kindly be further directed to pay the balance revised gratuity (Death-cum Retirement Gratuity) of the petitioner, revised leave encashment, commutation of revised pension from 01.01.2016 to*

> *31.01.2022 along with rate of 9% rate of interest per annum, to be recovered from the official who was responsible for delay in releasing the due and admissible claim of the petitioner."*

2. Learned counsel for the petitioners submitted that the issue raised in these petitions has already been adjudicated in ***CWP 7376 of 2023 (H.P. Secretariat & other Affiliated Pensioners Welfare Association Vs. State of H.P. & Ors.)*** decided on 22.03.2024 and ***CWP No. 6611 of 2023 (Surinder Singh Vs. State of Himachal Pradesh and Anr.)*** decided on 19.09.2023, and further that the directions in the aforesaid judgments have already been implemented by the respondents-State. Learned counsel further submitted that the petitioners would be content in case respondents are directed to examine their cases in light of the aforesaid judgments within a fixed time schedule.

3. Learned Additional Advocate General does not dispute the fact that similar issue as raised in the present petitions, has been adjudicated in the mattera of *H.P. Secretariat & other Affiliated Pensioners Welfare Association and Surinder Singh's cases supra*. He further submitted that,

however, the facts of the instant cases are required to be verified by the State as also the fact that as to whether the aforesaid judgment has attained finality or not.

4. In view of above submissions, these Writ petitions are disposed of with a direction to the respondents to consider the cases of the petitioners for grant of relief prayed by them and verify the facts of the instant cases vis-à-vis the decision rendered in H.*P. Secretariat & other Affiliated Pensioners Welfare Association's* and *Surinder Singh's, cases supra*, within a period of four weeks from today. In case the petitioners are found to be situated similar, to the petitioners in the aforesaid case, then same benefit, as has been given to the petitioners in *H.P. Secretariat & other Affiliated Pensioners Welfare Association's* and *Surinder Singh's cases supra*, shall be granted to the petitioners in the instant cases. The decision so arrived at, shall also be communicated to the petitioners.

Pending miscellaneous application(s), if any, also to stand disposed of.

Jyotsna Rewal Dua
Judge

May 21, 2024 *rohit*