



IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

**CWP No. 8290 of 2023 along with
CWP Nos. 8740 of 2023, 8741 of 2023,
8784 of 2023, 8914 of 2023 and 8412 of 2023.**

Date of Decision : 2nd April, 2024.

1. CWP No. 8290 of 2023.

Shashi Bala & Ors. ...Petitioners.
Versus
State of H.P. & Ors.Respondents.

2. CWP No. 8740 of 2023.

Raj Kumar ...Petitioner.
Versus
State of H.P. & Ors.Respondents.

3. CWP No. 8741 of 2023.

Narinder Kumar & Ors. ...Petitioners.
Versus
State of H.P. & Ors.Respondents.

4. CWP No. 8784 of 2023.

Ramesh Chand & Ors. ...Petitioners.
Versus
State of H.P. & Ors.Respondents.

5. CWP No. 8914 of 2023.

Sukhbir Singh & Ors. ...Petitioners.
Versus
State of H.P. & Ors.Respondents.

6. CWP No. 8412 of 2023.

Nirmala Devi & Ors. ...Petitioners.
Versus

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State of H.P. & Ors.

....Respondents.

Coram:

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

*Whether approved for reporting?*¹

For the Petitioner:

Ms. Aarati Sharma, Advocate, vice
Mr. Naresh Kaul, Advocate.

For the Respondents:

Ms. Ranjana Patial, Deputy
Advocate General.

Satyen Vaidya, Judge.

All these petitions have heard and are being disposed of by a common order as common questions of facts and law are involved.

2. Since representations dated 15.10.2023, 08.10.2023 and 01.10.2023, having been filed by the petitioners to the Director Department of Elementary Education, Himachal Pradesh, is not being decided, petitioners are compelled to approach this Court in the instant proceedings filed under Article 226 of the Constitution of India, praying therein for following main relief:-

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

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“a) That a writ in the nature of mandamus may kindly be issued directing the respondents to fix the pay of the petitioners in the pay band of Rs.10,300-34,800+4400 grade pay with additional 3% promotional increment w.e.f. 1.10.2012, as has been done with the incumbents promoted to the post of Head Teacher after 01.10.2012, with all consequential benefits and interest @9% per annum, in view of the judgment dated 07.07.2023 (Annexure P-1) passed by this Hon'ble Court in CWP No. 2400/2021 & connected matter, titled as Ranjit Singh & Ors. vs. State of H.P. & Ors., when the respondents vide orders dated 19.09.2023 & 21/22.09.2023 (Annexure P-2) have decided to implement the same in the interest of law and justice.”

3. Precisely, the grouse of the petitioners, as has been highlighted in the petition and further canvassed by Ms. Aarati Sharma, learned counsel for the petitioners is that benefit of promotional increment of Head Teacher is required to be given to the petitioners in terms of judgment dated 7.7.2023, passed by the coordinate Bench of this Court in **CWP No.2500 of 2021 a/w connected matters, tilted Ranjit Singh and Ors. vs. State of Himachal Pradesh**

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and Ors., but such benefit, despite there being representation, is not being granted.

4. Ms. Aarati Sharma, while making this Court peruse copy of office order dated 19.09.2023 issued under the signature of Director of Elementary Education, states that pursuant to judgment passed by the coordinate Bench of this Court in **Ranjit Singh** (supra), similarly situate persons have already been granted benefit of promotional increments to the post of Head Teacher w.e.f. 1.10.2012, the date from which the promotional increment has been released to those Head Teachers who were promoted as such, after 1.10.2012. She further states that since aforesaid judgment passed by the coordinate Bench of this Court has attained finality, rather has been given effect to, as is evident from the office order dated 19.09.2023, benefit of promotion, as prayed for in the instant petition, is required to be given to the petitioners.

5. The learned Deputy Advocate General fairly states that case of the petitioners is also required to be considered and decided in light of **Ranjit Singh** (supra).

6. Consequently, in view of the above, present petition is disposed of with direction to the

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respondent/Director of Elementary Education, to consider and decide the representations of the petitioner as noticed above in light of **Ranjit Singh's** case (supra), expeditiously, preferably within four weeks. In case, petitioners are found to be similarly situate to the petitioners in the aforesaid judgment, they would be extended similar benefits. Needless to say, authority concerned while doing the needful in terms of the instant order shall afford an opportunity of hearing to the petitioners and pass detailed speaking order thereupon. Liberty is also reserved to the petitioners to approach appropriate court of law at appropriate time, if they still remain aggrieved.

7. Pending applications also stand disposed of.

(Satyen Vaidya)
Judge

2nd April, 2024.
(jai)