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Home (A) B (15)5/2010  
Government of Himachal Pradesh  
Home Department.

From

The Chief Secretary,  
Government of H.P.

To

All the Administrative Secretaries to the  
Government of Himachal Pradesh.

Dated: Shimla-2 the 25th Oct, 2010

Subject:-

Orders of High Court Himachal Pradesh in Prem Raj Case  
No. CWP 1807/2010 and other related cases decided on  
5.5.2010.

Sir/ Madam,

Your kind attention is invited to the orders of the High Court in the aforesaid case, whose copy is enclosed for your kind reference. Your attention is specifically invited to Para 2 of the High Court judgement. In this Para it has been held as follows:-

“Once a principle has been settled by the Court in one case and the same principle having been accepted by the State, it is not necessary that all the persons similarly situated, should approach the Court and obtain individual relief. That would only lead to multiplicity of proceeding and docket explosion apart from increasing the workload on administrative side of the Government. Therefore, there will a direction to the Chief Secretary to the State of Himachal Pradesh to see that a judgement in the case of an incumbent, if accepted on principle by the Government, is implemented in the case of all the similarly situated persons without for obtaining individual judgements- decrees. We are compelled to issue such a direction since we found that in several judgements, the Government has taken such a stand that a judgement would apply only in the case of the petitioner before the Court. The Government is entitled to such a stand in case the judgement applies only to individual concerned and that judgement is in personam, but if the judgement even in individual case is on principle and if that principle as such is followed by the Government in the case of one employee, that benefit should be extended to all the similarly situated persons.”

... contd...

2. You are requested to follow the orders of the Hon'ble High Court in letter and spirit.

3. However, Administrative Departments are also informed that the State Government, in consultation with the Law department has decided to file SLP in the Supreme Court of India against the orders of the High Court passed in Prem Raj Vs. State (CWP No. 1807 of 2010). The Law Department has advised the Technical Education Department (to which the Prem Raj case CWP No. 1807/ 2010 pertained) that the aforesaid principle laid down by the Hon'ble High Court vide orders dated 5.5.2010 may be assailed in the Supreme Court since implementation of the aforesaid orders of the Hon'ble High Court would result in multiplicity of litigation & liability of several crore of Rupees. The Technical Education Department has also been advised to move an application for stay on operation of 5.5.2010 judgement of High Court while filling the SLP.

4. In view of the aforesaid position in the matter, departments are advised to take necessary action in the matter in view of the orders of the Hon'ble High Court until the judgement of the High Court is stayed by the Supreme Court of India.



Pr. Secretary (Home) to the  
Government of Himachal Pradesh.

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For GENERAL USE

Superintendent (Judicial)  
High Court of Himachal Pradesh  
Dated 16/6/2010

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Copy of Order/Judgment/Statement/Passed/delivered/recorded  
On 05/05/10 by the Division Bench consisting of  
Hon'ble Mr. Justice Kurian Joseph, Chief Justice,  
Hon'ble Mr. Justice R.B. Misra, Judge.

In C.W.P. No. 1807/2010.  
Titled as:-

Prem Raj S/o Shri Daulat Ram, resident of Village Mehra, P.O.  
Kansakoti, Tehsil Rohru, Distt. Shimla (HP), presently working as  
Laboratory Assistant in Govt. Polytechnic, Rohru, Distt. Shimla HP.  
...Petitioner.

VERSUS

1. State of Himachal Pradesh through  
Secretary (Technical Education) to the Government of  
Himachal Pradesh, Shimla-171002.
2. The Director, Industrial Training and Technical Education,  
H.P. Sundernagar Distt. Mandi, H.P.  
...Respondents.

COPY OF ORDER/ JUDGMENT/STATEMENT(S) RECORDED/ISSUES.  
IN THE HIGH COURT OF HIMACHAL PRADESH.

ATTESTED

Superintendent (Judicial)  
High Court of Himachal Pradesh

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IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP 1807 of 2010 alongwith CWPs No. 1808, 1809, 1816, 1817 & 1818 of 2010.

Decided on May 5, 2010.

1. CWP No. 1807 of 2010

Prem Raj ...Petitioner  
Versus

State of H.P & others. ... Respondents

2. CWP No. 1808 of 2010

Ramesh Kumar ...Petitioner  
Versus

State of H.P and others. ... Respondents

3. CWP No. 1809 of 2010

Nedru Mal ....Petitioner  
Versus

State of H.P & others ... Respondents

4. CWP No. 1816 of 2010

Raj Mal ....Petitioner  
Versus

State of H.P & others ... Respondents

5. CWP No. 1817 of 2010

Hari Singh ....Petitioner  
Versus

State of H.P & others ... Respondents

6. CWP No. 1818 of 2010

Lobha Ram ....Petitioner  
Versus

*Coram*

The Hon'ble Mr. Justice Kurian Joseph, Chief Justice

The Hon'ble Mr. Justice R.B. Misra, Judge.

*Whether approved for reporting?*

For the Petitioners: Mr. Neel Kamal Sood, Advocate.

For respondents: Mr R.K Sharma, Sr. Addl AG.

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Justice Kurian Joseph, C.J. (Oral)

The petitioners have filed these writ petitions with the following prayers:

1. Letter dated 1-1-2010 Annexure P-8 may kindly be quashed and further directions be given to the respondents to grant the pay scale of Rs. 950-1800 (from 1.1.1986), which was later on revised from time to time, be ordered to be given to the petitioner, as given to the similarly situated persons/Laboratory Attendants of Technical Education Department, with all consequential benefits.
2. Directing the respondents to pay arrears to the petitioner pursuant to the grant of revised pay scale of Rs. 950-1800 (from 1.1.1986), which was revised to Rs. 3120-5160 and further revised from time to time, from the date of entry into Government service/his initial appointment with interest @ 18% per annum from the due date till the date of actual

per directions given by this Hon'ble Court in CWP (T) No. 2346/2008 in case titled as Madan Gopal vs. State of H.P and another.

2. It is seen that the first respondent has rejected the representation on the ground that the decision in CWP (T) No. 2346 of 2008, Madan Gopal versus State of H.P and another, decided on 13-3-2009, would apply only to the petitioners therein. We are afraid that the first respondent has not understood the law in its correct perspective. In **Annexure P-7** judgment, this Court held that in view of the decree passed by the Sub Judge 1st Class, Hoshiarpur, the Laboratory Attendants have been held entitled to the pay scale of Rs. 950-1800, and being similarly situated person, the petitioner is covered by **Annexure P-7** judgment and was granted the benefit also. Thus, the Government has accepted in principle the entitlement of the Laboratory Attendants for the pay scale of Rs. 950-1800/-. Once a principle has been settled by the Court in one case and the same principle having been accepted by the State, it is not necessary that all the persons similarly situated, should approach the Court and obtain individual relief. That would only lead to multiplicity of proceeding and docket explosion apart from increasing the workload on administrative side of the Government. Therefore, there will a direction to the Chief Secretary to the State of Himachal Pradesh to see that a judgment in the case of an incumbent, if accepted on principle by the

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are compelled to issue such a direction since we found that in several judgments, the Government has taken such a stand that a judgment would apply only in the case of the petitioner before the Court. The Government is entitled to such a stand in case the judgment applies only to individual concerned and that judgment is in personam, but if the judgment even in individual case is on principle and if that principle as such is followed by the Government in the case of one employee, that benefit should be extended to all the similarly situated persons. ]

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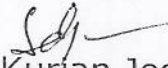
3. The Chief Secretary will issue appropriate guidelines in this matter to the Administrative Departments within two months.


4. In that view of the matter, **Annexure P-8** is set aside. In case, the petitioners herein, are similarly situated, as the petitioner covered by Madan Gopal's case (supra), which has been accepted and implemented by the Government, on the same principle similar benefits should be extended to the petitioners herein also.

5. The needful shall be done within two months from the production of the copy of this judgment and eligible benefits shall also be disbursed to the incumbents within one month.

6. The writ petitions are disposed of.

Copy dasti.

  
(Justice Kurian Joseph),  
Chief Justice

  
(Justice R.B. Misra)  
Judge

May 5, 2010. (K)