

**Sumna Devi Versus State of H.P. & Ors.**

**CWP No.2180 of 2015**

20.05.2022 Present: Mr. Vivek Singh Thakur, Advocate, for the petitioner.

Mr. Desh Raj Thakur, Additional Advocate General with Mr. Gaurav Sharma, Mr. Narender Singh Thakur and Mr. Kamal Kishore, Deputy Advocates General, for respondents No.1 to 4-State.

Mr. K.D. Sood, Senior Advocate with Ms. Ranjana Chauhan, Advocate, for respondents No.5 and 6.

**CWP No.1801 of 2022**

The applicant/petitioner has filed the instant application with the prayer that her writ petition be allowed in terms of the judgment dated 30.09.2019 passed in *CWP No.1640 of 2017*, titled *Uttam Singh Versus State of Himachal Pradesh and others*. The case of the petitioner is that vide this judgment, revised pay scale has been allowed to one Sh. Uttam Singh, an Assistant Librarian working in BBN Degree College Chhakmoh. It has further been submitted that the present petitioner is similarly situated as said Sh. Uttam Singh. The petitioner as well as Sh. Uttam Singh had initially filed a joint writ petition, bearing CWP No.1295 of 2013, which was decided on 13.03.2013, directing the respondents to consider their cases for grant of pay scale in terms of the judgments dated 30.05.2012 rendered in CWP No.5118/2010, 22.03.2010 passed in CWP No.6018 of 2008 and 22.11.2011 delivered in LPA No.237 of 2010.

Learned Senior Counsel appearing for respondents No.5 and 6-Temple Trust did not dispute that the petitioner is situated similarly as Sh. Uttam Singh. Learned Senior Counsel, however, submitted that the judgment passed on 30.09.2019 in CWP No.1640 of 2017 has been assailed by the said respondents in LPA No.27 of 2020. Copy of the order dated 20.09.2021 passed in LPA No.27 of 2020 was produced during hearing of the case, which is taken on record. The order reads as under:-

*“Heard learned counsels.*

*Admit.*

*Post for hearing in the usual course.*

*CMP No.7736 of 2020*

*Heard learned counsels on interim relief.*

*The learned Single Judge, vide the order dated 30<sup>th</sup> September, 2019, allowed the writ petition and directed the appellants herein to grant revised pay scale to the petitioner on lines with the similarly situated Assistant Librarians, in terms of the letter dated 17<sup>th</sup> October, 2017, up to date with interest.*

*The learned senior counsel appearing for petitioner's counsel submits that the revised pay scale has been appropriately granted by the learned Single Judge and hence, the same requires to be implemented forthwith.*

*On hearing learned counsels, we are of the considered view that an interim relief requires to be granted. That even though arrears and up to date interest have been awarded by the learned Single Judge, the said order is under re-consideration in this appeal. Therefore, in the interregnum, we are of the considered view that the order of the learned Single be implemented with effect from 1<sup>st</sup> October, 2021, subject to further orders of this Court. Hence, an interim order is issued to the said extent.”*

It is evident that in terms of the above interim order, the judgment dated 30.09.2019 passed in CWP No.1640 of 2017 to the extent it grants revised pay scale to

Sh. Uttam Singh has not been stayed. Grant of revised pay scale has been made subject to further orders of the Court. Therefore, following the same corollary, respondents No.3 to 6 are directed to grant revised pay scale to the petitioner herein w.e.f. 01.10.2021. This, however, shall be subject to further orders to be passed in this writ petition. This shall also be subject to the decision in LPA No.27 of 2020.

The application stands disposed of.

**CWP No.2180 of 2015**

List after eight weeks.

May 20, 2022  
*Mukesh*

Jyotsna Rewal Dua  
Judge