



CWP No. 2531 of 2019 a/w CWPs
No. 451, 2532 and 2533 of 2019

19.10.2021 Present: **CWP No. 2531 of 2019**
Mr. Ashok Sharma, Advocate General, with Ms. Ritta Goswami & Mr. Vikas Rathore, Additional Advocates General, and Ms. Seema Sharma, Deputy Advocate General, for the petitioners.

Mr. K.D. Shreedhar, Senior Advocate, with Ms. Shreya Chauhan, Advocate, for respondents No. 1, 3, 5, 7 to 9, 12 to 20, 23 to 25, 27, 28, 30, 32, 34, 36, 37, 39 to 45, 47 to 59, 61, 65, 66, 71, 74, 76 to 89, 91, 93, 94, 96, 99, 104, 107 and 109.

CWP No. 451 of 2019

Mr. Ashok Sharma, Advocate General, with Ms. Ritta Goswami & Mr. Vikas Rathore, Additional Advocates General, and Ms. Seema Sharma, Deputy Advocate General, for the petitioners.

Mr. Surinder Saklani, Advocate, for the respondent.

CWP No. 2532 of 2019

Mr. Ashok Sharma, Advocate General, with Ms. Ritta Goswami & Mr. Vikas Rathore, Additional Advocates General, and Ms. Seema Sharma, Deputy Advocate General, for the petitioners.

Mr. K.D. Shreedhar, Senior Advocate, with Ms. Shreya Chauhan, Advocate, for respondents No. 1 to 3, 5 to 8, 10, 12 to 16, 18 to 20, 22, 23, 25 to 27, 30, 32 to 37, 39, 40, 45, 48 to 52, 54, 56 to 58, 61, 62 and 65.

CWP No. 2533 of 2019

Mr. Ashok Sharma, Advocate General, with Ms. Ritta Goswami & Mr. Vikas Rathore, Additional Advocates General, and Ms. Seema Sharma, Deputy Advocate General, for the petitioners.

Mr. K.D. Shreedhar, Senior Advocate, with Ms. Shreya Chauhan, Advocate, for the respondents.

These matters are pending before the Court since



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2019. The State of Himachal Pradesh filed the present writ petitions against the judgments of the Himachal Pradesh State Administrative Tribunal, dated 13.04.2018 and 09.08.2018. There were total 193 Original Applicants before the Tribunal in all the Original Applications. This Court, while issuing notices in the writ petitions, was, vide order dated 24.09.2019, persuaded to stay the operation of the impugned orders passed by the Tribunal.

2. During the pendency of the writ petitions, it was discovered that a large number of respondents/Original Applicants before the Tribunal have passed away. The learned Advocate General submits that twelve applications under Order 22 Rule 4 CPC read with Article 226 of the Constitution for bringing the LRs of deceased respondents on record have already been filed in the Registry and they are in the process of filing fifteen more applications.

3. Mr. K.D. Shreedhar, learned Senior Counsel appearing for the respondents, submits that the present lis pertains to the years 2005-2006. Some petitions were filed before the Tribunal, which on abolition of the Tribunal were transferred to the High Court. Some new petitions were also



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filed in the High Court and thereafter, when the Tribunal was re-constituted, they were transferred back to the Tribunal, which came to be disposed of by the Tribunal vide impugned orders. He submits that the dispute pertains to anomaly in grant of revised pay scales with effect from 1st January, 1986 onwards. Most of the respondents are in advanced age and many of them have passed away and, therefore, instead of getting the notices served on individual legal heirs of the deceased respondents separately, which would consume unduly long time, the appropriate course would be to get the service of the legal heirs effected by substituted mode of service, by publication of the composite notices in two newspapers having wide circulation in the areas where the legal heirs are residing.

4. Learned Advocate General does not oppose this course of action so as to minimize the time of process of service and ensure expeditious disposal of the writ petitions on merits.

5. Having regard to these facts, it is directed that the petitioners-State shall file the requisites for publication of notices with all the details of the legal heirs of the respective deceased respondents, who according to their information,



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have passed away, within ten days. On the requisites being paid by the State, the Registry shall get such common notices prepared and published in two leading newspapers, namely, 'The Tribune' and 'Dainik Jaagran', for **13th December, 2021**, having circulation in the State of Himachal Pradesh and Punjab.

**(Mohammad Rafiq)
Chief Justice**

**(Sabina)
Judge**

October 19, 2021
(rajni)