

**(2021) 04 SHI CK 0120**

**In the High Court Of Himachal Pradesh**

**Case No : Latter Patent Appeals No. 433 Of 2011**

State Of Himachal Pradesh And Others

APPELLANT

Vs

O.P. Mukhija

RESPONDENT

**Date of Decision : 06-04-2021**

**Acts Referred:**

**Citation : (2021) 04 SHI CK 0120**

**Hon'ble Judges : Ravi Malimath, J;Jyotsna Rewal Dua, J**

**Bench : Division Bench**

**Advocate : K. D. Sood, Shubham Sood**

**Final Decision : Disposed Of**

## Judgement

Ravi Malimath, J

1. Aggrieved by the order passed by the learned Single Judge in allowing the petition and directing the respondent to pay the scale of Assistant Engineer (Mechanical) to the writ petitioner, the instant appeal is filed by the respondent-State.

2. Learned counsel for the appellants submits that the order passed by the learned Single Judge is erroneous that the learned Single Judge has failed to consider the facts and material on record and that the scale of pay as ordered in favour of the writ petitioner, is also erroneous. Hence, the impugned order is required to be set aside.

3. On hearing the learned counsel for the appellants, we are of the considered view that no interference is called for in the impugned order. In terms of the impugned order passed by the learned Single Judge, the petitioner was held entitled to the pay scale of the Assistant Engineer (Mechanical) in the Himachal Pradesh Public Works Departments, i.e. Rs. 940-1850 with effect from 01.01.1978 and Rs.2200-4000 with effect from 01.01.1986. Apparently, even on the old pay scale that the petitioner was getting, he would have also received

increments. The increment that he has received in the hands of the learned Single Judge, in our considered view, is a very paltry sum of amount.

4. Keeping in mind the fact that the petitioner has already retired on 31.05.2006 and the paltry sum that is involved, we do not think that it is appropriate for us to go into any other question that is raised by the learned counsel for the appellants. However, we would clarify that the question of law, including the equation of post as held by the learned Single Judge, is not touched upon by us. The said question of law is left open to be decided in an appropriate proceeding.

5. The present appeal is disposed off purely on the fact that the monetary benefit, likely to be received by the petitioner, is a very paltry sum. The appeal is dismissed only on that ground. It shall not act as a precedent for any other post in the appellate institutions. The appeal is disposed off accordingly . Pending miscellaneous applications are also

disposed off.