

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

LPA No. 140 of 2009
Date of Decision: 19.3.2021

Himachal Pradesh State Electricity Board through its
Secretary and another.

.....Appellants.

Versus

Sh. Govind Ram Sharma

.....Respondent.

Coram:

The Hon'ble Mr. Justice Sureshwar Thakur, Judge.

The Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

**For the Appellants: Mr. Vinay Kuthiala, Senior Advocate
with Mr. Diwan Negi, Advocate,**

For the Respondent: Mr. Ashwani K. Gupta, Advocate.

Per Sandeep Sharma, (J)(Oral)

The instant Letters Patent Appeal lays challenge to impugned judgment dated 14.5.2009 passed by learned Single Judge in CWP (T) No. 5136 of 2008 (OA No.1154 of 1998), titled as Kali Ram Sharma Vs. The HPSEB through its Secretary and another, whereby writ petition having been filed by the respondent came to be disposed of in the following terms:-

“Learned counsel for the parties state that the matter is squarely covered by a decision rendered by the Apex Court in Civil Appeal No. 3250 of 2006, titled as Commissioner and Secretary to Govt. of Haryana and others versus Ram Sarup Ganda and others, decided on 2.8.2006 [2007(2) S.C.T. 476].

As such as prayed for by the learned counsel for the parties petitioner is entitled for the time bound promotional scale

...2...

after completion of 9 and 16 years of service with all incidental benefits in the grade of Junior Engineer. As stated by Mr. Shashi Shirshoo, learned counsel for the respondents, action for pay fixation and consequential benefits shall be taken within a period of three months from today. It is clarified that if the needful is not done within the said period petitioner shall be entitled to interest @9%, thereafter. Petition is disposed of."

2. Precise, ground as has been raised in the instant appeal on behalf of the appellants is that since case at hand was not covered with the judgment rendered by the Apex Court in Civil Appeal No. 3250 of 2006, titled as Commissioner and Secretary to Govt. of Haryana and others Versus Ram Sarup Ganda and others, decided on 2.8.2006, there was no occasion, if any, for the learned Single Judge to issue direction to the appellants to accord benefit in favour of the respondent in terms of aforesaid judgment passed by Hon'ble Apex Court.

3. However, having heard learned counsel for the parties and perused the material available on record vis-a-vis reasoning assigned in the impugned order, this Court finds no merit in the aforesaid submission for the reasons that there is no positive direction, if any, issued by the Court with regard to extension of benefits in terms of judgment rendered by Apex Court, rather judgment clearly reveals that counsel representing respondent after having heard submission made by learned counsel for the appellants agreed for release of consequential benefits and as such Court just to ensure timely compliance ordered that if needful is not done within the said period, respondent would be entitled to 9% interest.

4. It also emerge from the judgment passed by learned Single Judge that no specific findings qua applicability of the aforesaid judgment passed by the Apex Court in the case of appellants ever came to be

...3...

rendered on record and as such there appears to be no merit in the present appeal and accordingly deserves outright rejection. Though in the grounds of appeal, it has been stated by learned counsel representing appellants that at the time of passing of judgment dated 14.5.2009 counsel representing appellants had no instructions from the department to give concession but even aforesaid plea deserves rejection being devoid of merit for the reasons that bare perusal of the judgment nowhere suggest that learned counsel representing appellants gave concession, if any, rather he on the basis of prayer made by the petitioner that his case is squarely covered by the judgment, supra, assured this Court that needful shall be done within the stipulated time.

5. Consequently, in view of the above, there is no merit in the appeal and the same is dismissed being devoid of any merit. Pending application(s), if any, also stands disposed of accordingly. No costs.

**(Sureshwar Thakur),
Judge**

**(Sandeep Sharma),
Judge**

19th March, 2021
(Guleria)