IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Special Appeal No.1090 of 2017

State of Uttarakhand and others .....Appellants

Vs.

Bhuwan Chandra Pande and another ...Respondents

Shri Vikas Pandey, learned standing counsel for the State/appellants.
Shri H.C. Pathak, learned counsel for the respondent no.2.

23rd December, 2020

Coram : Hon'ble Ravi Malimath, A.C.J.
Hon'ble Alok Kumar Verma, J.

Ravi Malimath, A.C.J. (Oral)

For the reasons assigned, the delay condonation application (CLMA No.17224 of 2017) is allowed. The delay in filing the appeal is condoned.

2. Aggrieved by the order dated 08.05.2017 passed by the learned Single Judge in allowing writ petition No.770 of 2014 (S/S) and directing the respondents to pay and release the pay scale of draftsman as is being paid to the employees of the Central Government, the State is in appeal.

3. The learned Single Judge disposed off the writ petition in terms of the order dated 11.04.2017 passed in No.312 of 2015 (S/S) and directed the respondents to pay and release the pay scale of Draftsman being paid by the Central Government to the Draftsman.

4. Para no.5 of the counter affidavit filed by the State in W.P. No.312 of 2015 (S/S) (in connected Special Appeal No.1093 of 2017) clearly indicates that the proposal sent by the local body was rejected by the State Government. Therefore, when the proposal to grant the Central Government has been rejected by the State, the question of directing the payment to be made based on the recommendation which is already rejected, therefore, would be improper.

5. Hence, on the above ground alone, the appeal is allowed. The order of the learned Single Judge dated 08.05.2017 passed in W.P. No.770 of 2014 (S/S) is set aside. The writ petition is dismissed.

6. It is needless to state that the writ petitioner is always at liberty to challenge the order of the Government in accordance with and in a manner known to law.

(Alok Kumar Verma, J.) **(Ravi Malimath) A.C.J.**

JKJ/SK