



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. _____ OF 2025
(Arising out of SLP(C) No. 768 of 2019)

DHARAMVIR SINGH

...APPELLANT(S)

VERSUS

SHRI RAJIV MEHRISHI AND OTHERS

...RESPONDENT(S)

J U D G M E N T

B.R. GAVAI, J.

1. Leave granted.
2. The present appellant has approached this Court being aggrieved by the judgment and order dated 28th June 2018 passed by the High Court of Meghalaya at Shillong in Contempt Case (C) No. 21 of 2017, thereby dismissing the contempt petition filed by the present appellant.
3. The facts, in brief, giving rise to the present appeal are as under:
 - 3.1. The appellant joined the services with the respondent(s) in 1981 as a Rifleman/Nursing Assistant having the rank of

Sepoy and he was promoted to the post of Draughtsman in 1983.

3.2. The respondent came up with a policy document dated 19th/13th March 1984, which specified that candidates were required to have the same qualification as Draughtsman of Central Public Works Department to be entitled for a revised pay-scale. However, by further amendment of the said policy on 19th October 1994, the requirement of the requisite qualification was changed to minimum experience in the cadre. As per the said policy, once the Draughtsman was placed in the regular pay-scale, further promotion would be made against the available vacancy in higher grade and in accordance with the normal eligibility criteria laid down in the recruitment rules. As per the said policy, though the notional benefit was given from 13th May 1982, the actual benefit was to be given from 1st November 1983. The said policy also provided that the minimum period of service for placement from the post carrying a pay-scale of Rs. 1400-2300/- to Rs. 1600-2660/- was four years.

3.3. Since the appellant was not granted the said benefit as per the amendment, the appellant approached the High

Court of Gauhati, Shillong Bench by way of WP (C) No. (SH) 283 of 2009.

3.4. The said petition came to be allowed by the order dated 27th November 2012.

3.5. Noting that the said policy has notified on 19th March 1984, the learned Single Judge of the High Court held that once the appellant had completed four years of service, he was entitled to revise pay-scale with effect from the date on which he gets completed the four years of service. However, it appears that the Court observed that the appellant had completed four years of service in the year 1997.

3.6. Since, there was an obvious error, the appellant filed a Review Petition No. (SH) 1 of 2013. The said petition was also allowed by the learned Single Judge of the High Court vide order dated 8th February 2013.

3.7. In the said order, the Court observed that the year mentioned in the order is to be read as '1997' instead of '1987'.

3.8. The order allowing the writ petition was challenged by the respondent(s) in an appeal before the Division Bench of the High Court and the same was dismissed vide order dated

16th December 2014. The special leave petition challenging the same was also dismissed by this Court vide order dated 4th May 2017.

3.9. Alleging non-compliance of the direction issued by the High Court, the appellant filed a contempt petition before the High Court and the same was dismissed by way of the impugned order. Hence, the present appeal.

4. We have heard Shri R. Shamshad, learned Senior Counsel appearing on behalf of the appellant and Shri Brijender Chahar, learned Additional Solicitor General (ASG) appearing on behalf of the respondents.

5. No doubt that the High Court was justified in dismissing the contempt petition, inasmuch as in a technical sense, there was no contempt committed by the respondent(s). The High Court, in the first order though noted that the appellant was initially appointed in 1983 and he would be entitled to the revised pay-scale mentioned in the policy of 1994, erroneously, observed that the period of four years was completed in 1997.

6. For correcting the said order, a review petition was filed before the High Court. The High court found merit in the

review petition. The High Court, however, again passed the order with the same mistake. Though it was observed that the period of four years was to be completed in the year 1987, the order mistakenly stated the year as '1997'.

7. It is apparent that both the orders suffered from typographical errors. The appellant, who was otherwise entitled to the revised pay-scale from 1987, cannot be denied the same on account of some technicality.

8. We, therefore, partly allow the appeal and direct the respondent(s) to revise the pay-scale of the appellant from 19th August 1987. The arrears shall be paid to the appellant along with an interest of 6 per cent within a period of three months from today.

9. Pending application(s), if any, stand(s) disposed of.

.....**J.**
(B.R. GAVAI)

.....**J.**
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
FEBRUARY 12, 2025.