

**Item No. S-4**

**State of H.P. & Ors. vs. Birbal**

**CMP(M) No. 637 of 2026**

**07.05.2026** **Present:** Mr. Pranay Pratap Singh, Deputy Advocate General, for the appellants.

Keeping in view the averments made in the application, which is duly supported by the affidavit, the delay of 313 days in filing appeal is condoned. The application stands disposed of.

Appeal be registered.

**LPA No. \_\_\_\_\_ of 2026**

Learned counsel for the State submits that relief granted by the learned Single Judge is for the grant of actual monetary benefits as Supdt. Gr.-II from 30.04.2011 to 02.10.2011, while quashing the rejection order dated 09.05.2019 (Annexure A-2), wherein no such relief was claimed in OA, wherein the issue raised was to the promotion to the post of Senior Assistant from the date when it was due in 1991. The subsequent promotions from Supdt. Gr.-II and Section Officer qua which on an earlier occasion OA No. 17 of 2019 had been filed, in which directions have been issued for consideration and resultantly the said order dated 09.05.2019 had been passed. The said relief had been given up before the learned Single Judge, which is clear from paragraph-5 of the judgment under consideration. It is, thus, submitted

that the relief which has been granted is beyond what was asked for or pleaded in the OA.

The matter requires consideration.

**Admit.**

Issue notice to the respondent, returnable within six weeks, on taking steps within one week.

The operation and execution of the impugned judgment dated 14.11.2024, passed by the learned Single Judge in ***CWP No. 6977 of 2020***, titled as ***Birbal vs. State of H.P. & Ors.***, shall remain stayed.

**(G. S. Sandhwalia)**  
**Chief Justice**

**(Bipin C. Negi)**  
**Judge**

**7<sup>th</sup> May, 2026**(sanjeev)