

(2024) 06 UK CK 0136

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1105 Of 2024

Avtar Singh Chauhan And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 27-06-2024

Acts Referred:

Citation : (2024) 06 UK CK 0136

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Bhagwat Mehra, Narayan Dutt

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.
2. Initially, petitioners were appointed as Assistant Teacher, Primary School. Thereafter, their services were merged to the post of Assistant Teacher, (L.T.) Grade. They were granted selection grade on completion of 10 years of service. Thereafter, they were given benefit of promotional pay scale; however, the same has been withdrawn by the respondents without granting them any opportunity of hearing. The representation made by the petitioners also could not get the desired result.
3. Feeling aggrieved, petitioners have knocked the door of this Court, seeking issuance of a writ in the nature of certiorari quashing the impugned order/letter dated 18.09.2018 issued by respondent No.2 and also the impugned order dated 19.12.2018/20.12.2018 passed by respondent No.3 and quashing the impugned consequential letter issued by Respondent No.6 dated 19.11.2023.
4. Petitioners have come up with the case in the present writ petition, that owing to the principles, which have been settled by the judgments rendered by this Court in a bunch of writ petition as decided by a Coordinate Bench with the

leading writ petition being Writ Petition No.602 of 2014 (S/S), Deep Chandra Badhani and others vs. State of Uttarakhand and others, as decided on 11.04.2017, which was later on also followed by yet another Coordinate Bench of this Court, in a bunch of writ petitions, with the leading writ petition being Writ Petition No.102 of 2019 (S/S) Gopal Singh Negi Vs. State of Uttarakhand, as decided on 30.12.2020, he submits that in view of the length of service, which has been rendered by the petitioners on selection pay-scale, which now happens to be for a period of 12 years, they would be entitled to be granted, a promotional pay scale and the grade pay of Rs.5400/-from the date of their entitlement, in light of the judgment rendered in Writ Petition No.746 of 2015 (S/S) Smt. Manu Dhaundiya and others vs. State of Uttarakhand and others.

5. The further contention of the petitioners in the writ petition is that in fact, direction which was rendered by the aforesaid two judgments, has been complied with by the respondents and the benefit of the promotional pay scale and the grade pay, have already been granted to those petitioners.

6. Learned counsel for the petitioners submits that they would be falling within the zone of consideration, under the principles, which had been laid down by the aforesaid two judgments, and, hence, their claim ought to have been favourably considered by the respondents.

7. Raising petitioners' claim with regards to the grant of promotional pay scale and the grade pay considering the length of services, which has been rendered by the petitioners, learned counsel submits that petitioners have already approached the respondents by filing an application before the concerned authority, but, no decision as such, has been taken on the same, hence, there is a deprivation.

8. Having considered the aforesaid situation, it is hereby directed that petitioners would file a fresh detailed representation before the respondent No.3-Additional Director of Education (Secondary), Garhwal Region, Pauri Garhwal, within a period of two weeks from the date of receipt of certified copy of this judgment. The respondent no.3 is directed to positively consider the aforesaid representation, so submitted by the petitioners, within a period of two months; the said respondent, while deciding the representation, will keep in mind the ratio of the judgment pronounced by this Court earlier, mentioned hereinabove, for the purpose of grant of promotional pay scale to the petitioners, carrying a grade pay of Rs.5400/- considering the length of services which has been rendered by them and to grant the same to the petitioners from the date of his entitlement.

9. Subject to the aforesaid directions, the writ petition stands disposed of.