

(2018) 06 UK CK 0149

In the Uttarakhand High Court

Case No : Writ Petition No. 1520, 1337, 1334, 1335, 1332, 1342, 1338, 1339, 1343, 1341, 1340, 1344, 1503, 1502, 1505, 1807, 2132 (SS) Of 2017

Balwant Rai And Others @APPELLANT@Hash State Of Uttarakhand And Others

Date of Decision : 29-06-2018

Acts Referred:

Citation : (2018) 06 UK CK 0149

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Advocate : K. K. Verma, Gajendra Tripathi, Sandeep Kothari

Final Decision : Disposed Off

Judgement

Alok Singh, J

1. Learned counsel for all the parties are ready to argue this matter finally, therefore, with the consent of learned counsel for the parties, matters are taken up for final hearing.

2. Common questions of law and facts are involved in all the writ petitions, therefore, all the writ petitions are heard together and disposed of by this common judgment.

3. All the petitioners were employees of Kumaon Anushuchit Janjati Vikas Nigam Ltd., Nainital and they were retired in the 2008. Petitioners are

seeking benefit of Government Order dated 30.12.2009 whereby pay was revised exclusively for employees of KMVN and GMVN and benefit of

Government Order dated 30.11.2011 whereby benefit of ACP was granted to the employees of all the Corporations.

4. Case of the petitioners is that Kumaon Anushuchit Janjati Vikas Nigam is a subsidiary company of Kumaon Mandal Vikas Nigam, therefore,

benefits extended by the Government to the employees of Kumaon Mandal Vikas Nigam would be applicable to the employees of Kumaon

Anushuchit Janjati Vikas Nigam. In support of his contention, he has placed reliance on letter dated 11.09.2007 (Annexure No. 4 to the writ petition no. 1520 of 2017).

5. I have perused Annexure No. 4 to the writ petition. In my opinion, this document is not sufficient to establish that Kumaon Anushuchit Janjati Vikas

Nigam is a subsidiary company of Kumaon Mandal Vikas Nigam, therefore, benefits extended by the Government to the employees of Kumaon

Mandal Vikas Nigam would be applicable to the employees of Kumaon Anushuchit Janjati Vikas Nigam. Therefore, benefit of Government Order

dated 30.12.2009 cannot be granted to the petitioners, as it was exclusively issued for employees of KMVN and GMVN.

6. Second contention of Mr. K.K. Verma, Advocate for the petitioners is that petitioners are entitled for ACP as it was issued for all the Corporations.

7. Per contra, Mr. Sandeep Kothari, Advocate for respondents no. 2 and 3 that since petitioners retired in the year 2008 and Government Order was

issued in 2011, therefore, it is not applicable to the petitioners from retrospective effect.

8. I do not find any force in the submission of Mr. Sandeep Kothari, Advocate for respondents no. 2 and 3.

9. ACP depends on the length of service and by the said Government Order, it was made effective from 01.01.2006 and 01.09.2008 on the basis of

pay scales. If petitioners rendered qualifying service, then they are entitled for the same.

10. Accordingly, respondents are directed to grant benefit of Government Order dated 30.11.2011 to the petitioners, if they have rendered the

qualifying service and fulfil other eligibility criteria, within a period of two months from the date of receipt of certified copy of this order.

11. With the aforesaid directions, all the petitions stand disposed of accordingly.

12. Let copy of this order be placed in each connected petition.