

(2024) 09 UK CK 0011

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1654 Of 2024

Chandra Prakash

APPELLANT

Vs

Uttarakhand Transport Corporation And Anr

RESPONDENT

Date of Decision : 04-09-2024

Acts Referred:

Citation : (2024) 09 UK CK 0011

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Kishore Kumar, Shobhit Joshi, Ashish Joshi

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.

2. By means of this writ petition, petitioner has prayed for following relief:

"i). Issue a writ order or direction in the nature of mandamus by calling the records and declared the impugned order 13-05-2024 (Annexure No.1) as arbitrary, illegal and against the provision of law and quash the same and further direct the respondents to forthwith release the amount of post retiral dues such as Leave encashment, Gratuity in tune of Rs.8,01,877.00 and the recovered amount of Rs.1,52,539 from the monthly salary (w.e.f. July 2018 to May 2024) along with interest admissible to him after calling the entire records from the respondents in view of the judgment of Hon'ble Apex Court in the case of State of Punjab vs. Rafiq Masih & other (2015) 4 SCC 334 and Judgment dated 14-06-2022 of this Hon'ble Court in the case of "Balam Singh Aswal Vs. Managing Director and others" in Writ Petition No.1593 of 2021 S/S and judgment and order dated 04-04-2024 passed in Special Appeal No.245 of 2022 "Managing Director Uttarakhand Transport Corporation Vs. Ashok Kumar Saxena" and judgment dated 03-05-2024 in writ petition no.2276 of 2022 "Jasbir Singh

Vs. Uttarakhand Transport Corporation and Ors” or in alternate pass any appropriate orders keeping in view of the facts highlighted in the body of the petition or mould the relief appropriately.”

3. Learned counsel for the petitioner submits that the controversy has been set at rest by a Coordinate Bench of this Court, vide judgment and order dated 14.06.2022 passed in WPSS No.1593 of 2021 Balam Singh Aswal Vs. Managing Director and Others and Batch of writ petitions, which are subsequently affirmed by the Division Bench of this Court vide judgment and order dated 04.04.2024 in Special Appeal No.245 of 2022, Managing Director, Uttarakhand Transport Corporation, Dehradun & Others Vs. Ashok Kumar Saxena, and Batch of Special Appeals. Learned counsel for the petitioner also relied upon the judgment and order dated 03.05.2024 passed by this Court in WPSS No.2276 of 2022.

4. Learned counsel for the respondents has also submitted that the present matter is squarely covered by the judgment and order dated 14.06.2022, which was affirmed in Special Appeals as referred above by learned counsel for the petitioner vide judgment dated 04.04.2024.

5. In this view of the matter, the writ petition is allowed in terms of the judgment and order dated 14.06.2022 passed by a Coordinate Bench of this Court in WPSS No.1593 of 2021 Balam Singh Aswal Vs. Managing Director and Others and Batch, which is affirmed by a Division Bench of this Court in Special Appeal No.245 of 2022 Managing Director, Uttarakhand Transport Corporation, Dehradun & Others Vs. Ashok Kumar Saxena and Batch, vide judgment dated 04.04.2024. The case of the petitioner shall abide by the aforesaid judgment and order dated 14.06.2022, which is later on affirmed vide judgment dated 04.04.2024 in Special Appeals as stated above.