
(2018) 07 UK CK 0170

In the Uttarakhand High Court

Case No : Writ Petition No. 1275 (SS) Of 2017

Dan Singh Surya And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 20-07-2018

Acts Referred:

Citation : (2018) 07 UK CK 0170

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Advocate : Ganesh Kandpal, V.D. Bisen, Ashish Joshi

Final Decision : Allowed

Judgement

Alok Singh, J

1. Heard Mr. Ganesh Kandpal, Advocate for the petitioners, Mr. V.D. Bisen, Brief Holder for the State of Uttarakhand and Mr. Ashish Joshi,

Advocate for respondents no. 2 to 4.

2. Petitioners are the retired employees of Uttarakhand Transport Corporation (for short "Corporation"). They were retired between 01.01.2006

and 30.09.2009. Vide Government Orders dated 15.10.2009 and 02.02.2010 benefits of VI Pay Commission were granted to the employees of the

Corporation with the stipulation that pay shall be fixed notionally with effect from 01.01.2006 and actual monetary benefit shall be given with effect

from 01.10.2009. Feeling aggrieved, some of the employees including the petitioners filed different writ petitions. Considering the financial condition of

the Corporation, the Coordinate Bench of this Court vide judgment dated 07.07.2014 was pleased to observe as under:

9. Considering the financial health of the Corporation, the Hon'ble Apex

Court in Kallakkurichi Taluk Retired Officials Association Vs State

of Tamil Nadu (decided on 17.01.2013) has held that the financial constraint all the Corporations are relevant while giving the benefits of the 6th Pay

Commission to its employees. This Court hence finds no anomaly in the orders dated 15.10.2009 and 02.02.2010. Accordingly, as far as challenge of

the same is concerned, the writ petitions (WPSS No. 1465 of 2011, WPSS No. 1921 of 2013 and WPSS No. 913 of 2012) are dismissed.

10. Now coming to those writ petitions where the employees retired between 01.01.2006 to 30.09.2009 where only a notional benefits sought by the

petitioners as given to the existing employees. This Court finds absolutely no reason why such benefits not be given to the retired employees, in fact,

there was a recommendation of the Managing Director that such benefits (notional benefit) to be extended to the retired employees.

11. In view thereof, the WPSS No. 576 of 2011, WPSS No. 1271 of 2012, 645 of 2012 and WPSS No. 913 of 2012 (pertaining to petitioner Nos. 7, 8,

14 and 21, who retired between 01.01.2006 to 31.09.2009) are allowed. A mandamus is issued to the respondents to give notional benefits to the

retired employees, as is being given to other employees. Let the needful be done in the matter within a period of six weeks from the date of production

of a certified copy of this order.â??

3. The Coordinate Bench of this Court has already allowed the writ petitions filed by the retired employees and directed the Corporation to give

notional benefits to the retired employees. Respondents no. 2 to 4 have filed counter affidavit. In paragraph no. 6 and 7 of the counter affidavit, it is

stated that the Corporation vide its decision dated 31.10.2014 extended the notional benefit to the petitioners.

4. Government Orders dated 15.10.2009 and 02.02.2010 provide that pay shall be revised with 01.01.2006 notionally and its actual benefit shall be

granted with effect from 01.10.2009.

5. Petitioners were also employees of the Corporation and there is no distinction for pay fixation between retired and working employees. More so,

from perusal of the counter affidavit, it appears that Corporation has not hesitation in granting notional pay fixation with effect from 01.01.2006 till

1.10.2009 to the retired employees.

6. Accordingly, writ petition is allowed. Respondents have already fixed pay of

the petitioner notionally vide Annexure No. CA1 to the counter affidavit. Accordingly, respondent no. 2 is directed to grant revised pension to the petitioners as per Annexure No. CA1 to the counter affidavit and pay arrears of revised pension accrued to them after 01.10.2009, if not already paid, within a period of three months from today. No order as to costs.