

(2019) 09 UK CK 0214

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 2161, 2065, 2066, 2097, 2098, 2162, 2209, 2246, 2253, 2255, 2257, 2263, 2274, 2277 Of 2019, 1471 Of 2016

Dinesh Singh Rana & Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 27-09-2019

Acts Referred:

Citation : (2019) 09 UK CK 0214

Hon'ble Judges : Lok Pal Singh, J

Bench : Single Bench

Advocate : Neetu Singh, Lalit Samant, Kailash Chandra, Ganesh Kandpal

Final Decision : Disposed Of

Judgement

Lok Pal Singh, J

1. Since the controversy involved in these batch of petitions is same, therefore, these petitions are being disposed of by this common judgment.

2. By means of present writ petitions, the petitioners are seeking a writ of mandamus commanding and directing the respondents to treat the petitioners' services having being regularized w.e.f. 01.10.1990 and to provide all consequential benefits in view of judgment dated 03.01.2019 passed by a Division Bench of this Court.

3. Case of the petitioners, in nutshell, is that the petitioners were appointed as Assistant Teachers L.T. Grade, on ad-hoc basis prior to 01.10.1990. State of U.P. issued a government order dated 21.11.1995 whereby the services of Lecturers and L.T. Grade teachers who were appointed on ad-hoc basis prior to 01.10.1990 were regularized. As the benefit of said G.O. was not extended to one Bhuwan Chandra Kandpal, he preferred a writ petition being WPSB No.162 of 2002 Bhuwan Chandra Kandpal v. State & Ors. before this Court. A Coordinate Bench of this Court, vide judgment dated 28.10.2004, allowed the writ petition and directed that the petitioner's services be treated to have been regularized w.e.f.

01.10.1990. Aggrieved thereby, the State of Uttarakhand carried the matter in appeal being Special Appeal No.28 of 2005. The Division Bench, vide judgment and order dated 23.02.2006, confirmed the order of learned Single Judge. Further aggrieved, the State of Uttarakhand preferred Special Leave Petition before the Hon'ble Apex Court being numbered as Civil Appeal No.3396 of 2006. By judgment dated 20.04.2011, Hon'ble Apex Court dismissed the appeal.

4. Despite several opportunities granted to the respondent-State to file counter affidavit, counter affidavit has not been filed.

5. Learned counsel for the petitioners would submit that the case of the petitioners is squarely covered by judgment dated 28.10.2004 passed in WPSB No.162 of 2002, which has reached upto the level of Hon'ble Supreme Court, and has attained finality. Learned Deputy Advocate General does not dispute the above submission and would submit that the Court may decide the writ petition without the counter affidavit.

6. Having considered the submission of learned counsel for the parties and having perused the judgment dated 28.10.2004 passed in WPSB No.162 of 2002, this Court is satisfied that the case of the petitioners is squarely covered by the judgment dated 28.10.2004. Accordingly, writ petitions are disposed of with a direction to the respondents to treat the petitioners' services having being regularized w.e.f. 01.10.1990. No order as to costs.

7. All pending applications stand disposed of accordingly.