
(2022) 09 UK CK 0107

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 154 Of 2020

Dr. Ashok Kumar Sirohi

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 19-09-2022

Acts Referred:

Citation : (2022) 09 UK CK 0107

Hon'ble Judges : Vipin Sanghi, CJ; R.C. Khulbe, J

Bench : Division Bench

Advocate : P.C. Petshali, J.C. Pande

Final Decision : Dismissed

Judgement

Vipin Sanghi, CJ

1. The case of the petitioner is that the petitioner was serving as a contractual employee in the capacity of a Medical Officer at Additional PHC Mahuakheraganj. He claims that his salary for the months of September, 2018, and March, 2019 to 07th September, 2019, has not been paid, and he claims the same along with interest.

2. The respondents have filed their counter affidavit, wherein the stand taken by the respondents, in paragraph no. 12, is as follows :-

"12. That the contents of para no. 11 of the writ petition stated are not admitted. In fact the petitioner has not approached this Hon'ble Court with clean hands and has filed forged & false handmade attendance sheet without verifying it from any other competent person for the month of September, 2018 and for the months of March, 2019 to September, 2019.

The original attendance register for months of March, 2019 to September, 2019 shows that petitioner was absent from duty from April 2019 to September 2019 and original OPD register shows that not a single patient was examined by the petitioner from month of March 2019 to September 2019."

3. The aforesaid stand of the respondents discloses that a serious dispute on facts arises for consideration in these proceedings. Since, we are dealing with a Writ Petition, we are not inclined to determine the said disputed questions of fact.

4. We, therefore, dismiss this Writ Petition, leaving it open to the petitioner to pursue his civil remedy in respect of the claim made in this Writ Petition.

5. In sequel thereto, pending application, if any, also stands disposed of.