
(2023) 07 UK CK 0046

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 328 Of 2021

Dr. Madhav Bahadur & Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 06-07-2023

Acts Referred:

Citation : (2023) 07 UK CK 0046

Hon'ble Judges : Vipin Sanghi, CJ;Rakesh Thapliyal, J

Bench : Division Bench

Advocate : Vinay Kumar, B.S. Parihar

Final Decision : Dismissed

Judgement

Vipin Sanghi, CJ

1) The petitioners have preferred this petition to seek direction to the respondents to pay salary / honorarium of Rs.90,350/- per month, along with other allowances to the petitioners, who are Senior Residents, and were working in Government Medical College, Almora, on the basis that the said salary / honorarium was being paid to the Senior Residents working in Government Medical College, Srinagar (Garhwal). The claim has been made for the period from September 2020 till date, along with the arrears of the same.

2) The petitioners completed their Post Graduation in different medical branches in July 2020. They were under a Bond to serve with the State Government and, accordingly, they were all given appointment orders. All the appointment orders clearly stated that they would be paid Rs.82,300/- for their services during the period of one year, under the Bond that they have entered. All the five petitioners were initially posted at Haldwani, when they were issued the appointment orders.

3) It appears that, subsequently, they were issued offers of appointments dated 16.09.2020 by the Soban Singh Jeena Govt. Institute of Medical Science and

Research, Almora. The offer of appointment also clearly stated that the salary payable to them would be Rs.82,300/- (Rs.67,700 + NPA + other allowances Rs.14,600) per month as per Government Order dated 29.03.2017. The said Government Order has also been placed on record which stated that Senior Residents were entitled to payment of Rs.67,700/-. Pertinently, the said Government Order made no distinction between a posting in a hill area, or in the plain area, of the State.

4) The case of the petitioners is that they acted in terms of their offer of appointment, and joined their postings at Almora. They subsequently learnt that others, who were similarly placed as the petitioners, and were posted at Srinagar, were being paid higher salaries. The petitioners have placed on record the remuneration slip in respect of Veer Chandra Singh Garhwali Govt. Institute of Medical Science and Research, which shows that the monthly emoluments fixed during November 2020 and January 2021 were Rs.90,350/- for Senior Residents, who were contractual. On that premise, the petitioners have preferred this petition claiming parity on the ground that just like Srinagar, Almora is also a hill area, and, therefore, the petitioners are entitled to payment of remuneration of Rs.90,350/- per month for the contractual period during which they have served at Almora.

5) Mr. Kumar, learned counsel for the petitioners, submits that the Government has recently issued an order dated 20.06.2022, whereby they have accepted the position that even in respect of the Govt. Medical College, Almora, the remuneration payable to the Senior Residents would be Rs.90,350/-, as is admissible to Senior Residents of Govt. Medical College, Srinagar. He, therefore, submits that the respondents have themselves admitted the claim of the petitioners for parity with Govt. Medical College, Srinagar. However, the said order is prospective in its operation.

6) We have considered the submission of Mr. Kumar, and perused the record.

7) Firstly, the petitioners were well aware of the Government Order No. 25/XXVIII(1)/2017-33/2009 dated 29.03.2017, which fixed the remuneration payable to Senior Residents at Rs.82,300/- irrespective of the area of posting. The petitioners were given offers of appointment at the same remuneration, which they accepted without protest or demur. Their initial appointments were at Haldwani. Subsequently, they were issued offers of appointment by the Soban Singh Jeena Govt. Institute of Medical Science and Research, Almora on 16.09.2020, where under, they were offered total emoluments of Rs.82,300/-, and they accepted the same with open eyes, and without protest or reservation. Only because the Senior Residents at Srinagar were being paid the higher remuneration of Rs.90,350/-, is no reason for the petitioners to claim the same remuneration on the ground that they both are hill areas. It is not that all hill areas are bound to be treated in the same way. Even amongst the hill areas, some are more developed / accessible, then others. If the submission of the petitioners were to be accepted, then irrespective of which hill area it is, the

parity in relation to payment of remuneration would have to be maintained. There is no basis for such a claim. Pertinently, even under the transfer policy of the State, several hill areas have been classified as accessible areas, such as, Nainital and Almora. Therefore, in our view, there is no basis for the claim made by the petitioners. Merely because, subsequently, the Government has issued the order dated 20.06.2022 bringing parity between the Govt. Medical College Srinagar and Govt. Medical College, Almora, in the matter of payment of remuneration to Senior and Junior Residents, is no reason to uphold the claim of the petitioners for the past period.

8) For the reasons stated above, the writ petition is liable to be dismissed. The same is, accordingly, dismissed.