
(2019) 04 UK CK 0010

In the Uttarakhand High Court

Case No : Writ Petition (S Of B)No. 126 Of 2019

Dr. P.S. Yadav

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 01-04-2019

Acts Referred:

Citation : (2019) 04 UK CK 0010

Hon'ble Judges : Ramesh Ranganathan, CJ;N.S. Dhanik, J

Bench : Division Bench

Advocate : D.S. Patni, Paresh Tripathi

Final Decision : Disposed Off

Judgement

Ramesh Ranganathan, CJ

1. Heard Sri D.S. Patni, learned counsel for the petitioner and Sri Paresh Tripathi, learned Chief Standing Counsel appearing on behalf of the State Government and, with their consent, this writ petition is being disposed of at the stage of admission.

2. In this writ petition, the petitioner seeks a writ of mandamus directing the respondents to resume payment of the Non Practicing Allowance, at 20 per cent of the Basic Pay, with all dues w.e.f. February, 2019.

3. Sri D.S. Patni, learned counsel for the petitioner, would draw our attention to the petitioner's pay-slip for the month of January, 2019, which includes Non Practicing Allowance of Rs. 12,230/-. Learned counsel would, then, draw our attention to the petitioner's pay-slip for the month of February, 2019, which discloses that the petitioner was not paid Non Practicing Allowance for the said month. He would also draw our attention to the proceedings dated 21.02.2014 issued by the Chief Secretary, Government of Uttarakhand, whereby the Director, Animal Husbandry, Uttarakhand, Dehradun was informed that the Governor was pleased to approve the grant of Non Practicing Allowance with immediate effect

at 25 per cent of the salary admissible (prescribed salary and Grade Pay), with the rider that the total of the Basic Pay, Grade Pay and Non Practicing Allowance should not exceed Rs.80,000/- per month.

4. Sri D.S. Patni, learned counsel for the petitioner, would submit that this Government Order dated 21.02.2014 is still in force, and has not been rescinded; and the authorities concerned have unilaterally stopped payment of Non Practicing Allowance to the petitioner.

5. Sri Paresh Tripathi, learned Chief Standing Counsel for the State of Uttarakhand, would submit that stoppage of Non Practicing Allowance was possibly because the total of the petitioner's Basic Pay, Grade Pay and Non Practicing Allowance together would have exceeded Rs. 80,000/- per month.

6. It is wholly unnecessary for us to dwell on this issue, as the petitioner is entitled to be informed why his Non Practicing Allowance was abruptly and unilaterally stopped. Suffice it, in such circumstances, to dispose of the writ petition permitting the petitioner to make a representation to the second respondent within one week from today. Since the petitioner has retired from service on attaining the age of superannuation yesterday i.e. on 31.03.2019, it is but appropriate that the second respondent considers the petitioner's representation in accordance with law, passes a reasoned order, and communicates the same to the petitioner with utmost expedition and, in any event, not later than one month from the date of receipt of the petitioner's representation. It is also made clear that in case the second respondent is satisfied that the petitioner is entitled for payment of Non Practicing Allowance, to make payment within a period of one month thereafter.

7. The writ petition is disposed of accordingly. No costs.