

(2024) 06 UK CK 0001

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 894, 895, 899, 906, 907, 908 Of 2024

Dungar Ram & Others

APPELLANT

Vs

Managing Director And Others

RESPONDENT

Date of Decision : 05-06-2024

Acts Referred:

Citation : (2024) 06 UK CK 0001

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Ganesh Kandpal, Ashish Joshi

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. Since all these petitions entail common questions of fact and law hence these are being taken up together and decided by this common order. Facts of WPSS No.894 of 2024 are taken up for consideration.

2. In all these petitions, petitioners have prayed to issue a writ of certiorari, quashing the impugned pay fixation as also the recovery order, whereby certain amount has been directed to be recovered from them.

3. Facts in nutshell are that petitioner was appointed as Black Smith Grade-II in the respondent-department and was promoted from time to time and lastly, he was promoted on the post of Body Mechanic and on attaining the age of superannuation, he retired from service on 31.03.2018. Since post retiral dues of petitioner were not released, he represented the department and by order dated 28.12.2021, the pay of petitioner was re-fixed. The representation made by the petitioner could not yield any result. Even the amount due towards gratuity of petitioner has been reduced by the impugned order passed by respondent no.2 and further a direction for recovery of amount paid in excess was directed to be made. Hence, this writ petition.

4. Learned counsel for the petitioners submits that the controversy has been set at rest by a Coordinate Bench of this Court, vide judgment and order dated 14.06.2022 passed in WPSS No.1593 of 2021 Balam Singh Aswal Vs. Managing Director and Others and Batch of writ petitions, which are subsequently affirmed by the Division Bench of this Court vide judgment and order dated 04.04.2024 in Special Appeal No.245 of 2022, Managing Director, Uttarakhand Transport Corporation, Dehradun & Others Vs. Ashok Kumar Saxena, and Batch of Special Appeals.

5. Learned counsel for the respondents also concedes and states that the matter is covered by the aforesaid judgments.

6. In this view of the matter, the writ petitions are allowed in terms of the judgment and order dated 14.06.2022 passed by a Co-ordinate Bench of this Court in WPSS No.1593 of 2021 Balam Singh Aswal Vs. Managing Director and Others and Batch, which is affirmed by a Division Bench of this Court in Special Appeal No.245 of 2022 Managing Director, Uttarakhand Transport Corporation, Dehradun & Others Vs. Ashok Kumar Saxena and Batch, vide judgment dated 04.04.2024. The case of the petitioners shall abide by the aforesaid judgment and order dated 14.06.2022, which was later on affirmed vide judgment dated 04.04.2024 in Special Appeals as stated above.

7. Pending application, if any, stands disposed of accordingly.