

(2023) 12 UK CK 0093

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 2194 Of 2023

Gayasuddin Siddiqui

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 15-12-2023

Acts Referred:

Citation : (2023) 12 UK CK 0093

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : M.S. Bhandari, Rajeev Singh Bisht

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. By means of this writ petition, the petitioner has challenged the order dated 07.10.2021 (Annexure no.13), whereby the petitioner has been denied the Promotional Pay-Scale/Grade Pay of ₹ 5400/- by the respondent no.2 only on the ground that similarly situated persons who were granted Promotional Pay-Scale/Grade Pay of ₹ 5400/-, earlier by the Department, against them different recovery orders have been passed.

2. It is submitted by learned counsel for the petitioner that though it is true that recovery orders were passed by the respondent-Authority, but these recovery orders were quashed by this Court in Writ Petition (S/S) No.175 of 2019, Subhash Chandra Vs. State Of Uttarakhand and other batch of writ petitions and respondent no.2 has not challenged the said order and that order of grant of Promotional Pay-Scale/Grade Pay of ₹ 5400/- paid to them have attained finality.

3. On the last date, learned counsel for the State was directed to get instructions in the matter as to why this anomaly is being created by respondents, despite orders passed by this Court.

4. Today learned State counsel submitted written instructions dated 11.12.2023

before this Court which are taken on record, in which it has been fairly submitted and admitted by the Government that such Assistant Teacher, L.T. Grade are being considered for grant of Promotional Pay-Scale/Grade Pay of ₹ 5400/-. The committee constituted pursuant to the order dated 23.05.2022 has recommended vide their minutes of meeting dated 19.10.2022 grant of Promotional Pay-Scale/Grade Pay of ₹ 5400/- to such Assistant Teachers (L.T.) Grade.

5. The case of the petitioner is similar to those who have been granted Promotional Pay-Scale/Grade Pay of ₹ 5400/- for the reason that the petitioner has completed 22 years of service including ten years of regular and satisfactory service in selection pay-scale which was granted to him.

6. In this view of the matter, the writ petition stands disposed-off and the order dated 07.10.2021 impugned in the writ petition is hereby quashed and the respondents are directed to pay the Promotional Pay-Scale/Grade Pay ₹ 5400/- to the petitioner from the date of his entitlement i.e., 25.09.2019 along with arrears thereof within a period of three months from the date of issuance of this order.