
(2019) 05 UK CK 0085

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 164 Of 2019

Gibymol. T. Mathew

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 01-05-2019

Acts Referred:

Citation : (2019) 05 UK CK 0085

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

Bench : Division Bench

Advocate : Vinay Kumar, Pradeep Joshi

Final Decision : Disposed Off

Judgement

Ramesh Ranganathan, CJ

1. Heard Sri Vinay Kumar, learned counsel for the petitioner and Sri Pradeep Joshi, learned Standing Counsel for the State of Uttarakhand and, with their consent, this writ petitions is being disposed of at the stage of admission.

2. The petitioner, a Nursing Superintendent, has invoked the jurisdiction of this Court seeking a writ of mandamus commanding the respondents to revise / upgrade the pay-scale of the petitioner of the post of Nursing Superintendent by placing her in the pay-scale of Rs. 15600-39100 with Grade Pay of Rs. 6600/- with effect from 1.01.2006, as has been recommended by the authorities to the State Government, and pay arrears of the differential salary of the said post; a mandamus commanding and directing the respondents to treat the petitioner to be in continuous service of the Government Medical College, Haldwani by treating the services rendered by her as a regularly appointed Staff Nurse and Sister Nursing, during the period from 1997 to 05.01.2006, for the purpose of grant of service benefits; and for a mandamus commanding the respondents to give the petitioner the benefit of General Provident Fund Scheme in terms of the provisions of the Uttarakhand Retirement Benefits (Amendment) Rules, 2009.

3. While Sri Pradeep Joshi, learned Standing Counsel for the State of Uttarakhand, would point out that Relief No. (ii) is unduly belated, and such a prayer ought to be rejected on the ground of inordinate delay and laches, Sri Vinay Kumar, learned counsel for the petitioner, would submit that it would suffice, for the present, if the petitioner's representation dated 25.02.2015, which was forwarded to the first respondent by the Director, Medical Education, Uttarakhand, Dehradun on 20.03.2015 (a copy of which is enclosed with the writ petition as Annexure No. 10), is considered, and a decision is taken thereupon by the first respondent in accordance with law.

4. Without expressing any opinion on the justification or otherwise of the petitioner's claim, or on the contention as urged on behalf of the State Government that Relief No. (ii) is unduly belated, suffice it to direct the first respondent to consider the petitioner's representation in accordance with law, pass a reasoned order thereupon, and communicate the same to the petitioner at the earliest and, in any event, within a period of one month from the date of receipt of a certified copy of this order.

5. The writ petition is, accordingly, disposed of. No costs.