
(2024) 07 UK CK 0130

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1381 Of 2024

Harish Chandra Khulbe

APPELLANT

Vs

Managing Director, Uttarakhand Transport Corporation And
Others

RESPONDENT

Date of Decision : 29-07-2024

Acts Referred:

Citation : (2024) 07 UK CK 0130

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : U.N. Joshi, N.S. Pundir

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. By means of this writ petition, petitioner has challenged the impugned pay fixation order dated 12.07.2021 (Annexure No.3) and the recovery order dated 12.04.2022 (Annexure No.8) and further directing the respondents to release his Gratuity Amount on the basis of his last drawn salary and to refund the entire amount i.e. Rs.4,09,377/- deducted/recovered from his retiral dues/gratuity.

2. Facts in nutshell are that petitioner was appointed as Conductor in the year 1989 with the respondent-department and was promoted from time to time and lastly, he was promoted on the post of Booking Clerk. Petitioner applied for voluntary retirement, being found eligible for voluntary retirement, respondents vide order dated 31.07.2021 granted voluntary retirement to the petitioner. Vide office order dated 12.07.2021, the petitioner's salary was re-fixed and reduced from Rs.49,000/-to Rs.44,100/-. After voluntary retirement of the petitioner, on 21.08.2021, respondent No.3 passed an order whereby sanction the leave encashment of 102 days to the petitioner. Thereafter, respondent No.2 passed an office order dated 12.04.2022 reducing gratuity amount of the petitioner from Rs.9,52,560/- to Rs.5,43,183/- and a recovery of Rs.4,09,377/- was directed to

make from the petitioner. Hence, feeling aggrieved by the aforesaid pay fixation order dated 12.07.2021 and recovery order dated 12.04.2022, petitioner is before this Court.

3. Learned counsel for the petitioner 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.

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

5. In this view of the matter, the writ petition is 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 petitioner 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.

6. Pending application(s), if any, stands disposed of accordingly.