

(2024) 06 UK CK 0109

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1076 Of 2024

Harish Chandra Ram & Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 26-06-2024

Acts Referred:

Uttarakhand School Education Act, 2006 — Section 58

Citation : (2024) 06 UK CK 0109

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : B.S. Adhikari, Siddharth Singh Negi, S.M.S. Mehta

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.
2. By means of this writ petition, petitioners have sought the indulgence of this Court for a direction to the respondents to grant the benefit of ACP to the petitioners by reckoning the services rendered by them under U.P. Basic Education Board.
3. Facts in brief are that the petitioners were appointed as Class-IV employees from 1986 to 2000 in different schools run by U.P. Basic Shiksha Parishad. In the year 2006, the Uttarakhand School Education Act was enacted and came into force on 22.04.2006 and by virtue of Section 58 of the Uttarakhand School Education Act, 2006, the employees working in the U.P. Basic Shiksha Parishad have been given the status of the government servant with effect from that date. Now, the controversy which compel the petitioners to move this Court is that the petitioners have not been granted ACP for the reason that the service rendered by them under Basic Shiksha Parishad is not being counted.
4. The issue which is involved in this writ petition is no longer res integra as

various judgments have been passed by the Co-ordinate Bench and this Court, wherein after reorganization of the State, Legislature enacted Uttaranchal School Education Act, 2006, by virtue of Section 58 the employees of the U.P. Basic Shiksha Parishad have become Government Servants. The service put in by such employee in U.P. Basic Shiksha Parishad are reckoned for all service benefits. But for the reasons best known to the respondents, the said benefit has not been extended to the petitioners. Hence, petitioner is before this Court.

5. Learned counsel for the petitioners submits that in order to comply the different orders passed by this Court, a High Level Committee has been constituted consisting of Director General of Education, Director, Primary Education and Finance Controller to sort out this issue, which is pending before the respondents. He further submits that this Committee has decided in its meeting that similar matter be considered by the Director, Primary Education at its own level instead of referring the same to the Committee. Petitioner pursuant to the aforesaid decision taken by the High Level Committee has submitted a representation dated 12.09.2023 to the respondent no.2, but the same is still pending consideration.

6. Learned counsel for the petitioners also submits that if a time bound direction is issued to decide the representation of the petitioners, the interest of justice would be met.

7. Learned State Counsel does not oppose the proposition as offered by learned counsel for the petitioners.

8. Accordingly, the writ petition is finally disposed-off with a direction to the respondent no.2 to decide the representation of the petitioners dated 12.09.2023 within a period of two months from the date of production of certified copy of this order, by a reasoned and speaking order, in the light of various judgments passed by this Court.

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