
(2024) 05 UK CK 0110

In the Uttarakhand High Court

Case No : Writ Petition No. 1475, 1543, 1583, 1599 Of 2020 (S/S), 579 Of 2023 (S/S)

Hira Singh Mahara And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 21-05-2024

Acts Referred:

Citation : (2024) 05 UK CK 0110

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Ganesh Kandpal, S.K. Mandal, Bhupendra Koranga, R.C. Joshi

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. Since common question of law is involved in all these writ petitions, hence, they are taken up and decided by this common judgment. For the sake of brevity, the facts of WPSS No.1475 of 2020 are taken into consideration.

2. Petitioners were appointed as Lecturer/Assistant Teacher (L.T Grade), on ad-hoc basis between the year 1987-1993. Subsequently, the services of the petitioners were regularized on 07.08.1993, 20.04.1998, 03.11.2000 and 10.12.1999. After calculating the services rendered by the petitioners as ad-hoc teachers, they were sanctioned and given Selection Grade vide different orders.

3. Subsequently, by the impugned orders dated 08.12.2017 and 05.09.2019, respondent-State has cancelled the payment of Selection Grade to the petitioners. A direction was issued to the respondents to take necessary action after the cancellation of the sanctioning of the Selection Grade to the petitioners, which was sanctioned to them reckoning their services put in as ad-hoc Lecturers/ Assistant Teachers.

4. It is feeling aggrieved by the aforesaid orders impugned in the writ petition,

the petitioners are before this Court.

5. It is submitted by learned counsel for the petitioners that the controversy involved in the present writ petition is no longer res-integra and a Division Bench of this Court, in Writ Petition No.409 of 2020 (S/B) Sudarshan Lal Sah and Others Vs. State of Uttarakhand and Others, has been pleased to allow such writ petition vide judgment and order dated 06.05.2024.

6. A copy of judgment and order dated 06.05.2024 is handed over by the learned counsel for the petitioners to the Court. From the perusal of the said judgment and order, it is culled out that though the matter relates to the case of Principals of the Intermediate College, the issue involved in this writ petition is quite similar to the issue involved in the present batch of writ petitions.

7. Learned State Counsel does submit that the controversy is set at rest by the aforesaid judgment and order dated 06.05.2024.

8. Accordingly, all the writ petitions are disposed of, with the observations that the benefit, if any, granted to the petitioners in terms of Government Order dated 08.03.1995 shall not be recovered, under the garb of subsequent Government Order dated 08.12.2017. However, it is also provided that the amount of recovery made from the petitioner(s), if any, shall also be paid back to the petitioner(s).

9. Pending application(s), if any, also stands disposed of.