
(2021) 08 UK CK 0229

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1038 Of 2021

Jai Prakash Agrawal

APPELLANT

Vs

Uttarakhand Power Corporation Ltd. And Another

RESPONDENT

Date of Decision : 13-08-2021

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2021) 08 UK CK 0229

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Kaushal Sah Jagati, Bhagwat Mahra, Dharmendra Barthwal

Final Decision : Disposed Of

Judgement

Ravindra Maithani, J

1. The instant writ petition has been filed seeking the following reliefs:-

â??(i) Issue a writ order or direction in the nature of mandamus directing the respondents to pay the revised pension to the petitioner along with its

arrears in accordance with office order dated 12.11.2020 (Annexure-2) issued by respondent no.1.

(ii) Issue a writ order or direction in the nature of mandamus directing the respondents to decide the representation of petitioner dated 6-4-2021

(Annexure-1).

(iii) Issue any other order or direction which this Honâ??ble Court may deem fit and proper in the circumstance of the case.

(iv) Award cost of the petition.â??

2. Heard learned counsel for the parties and perused the record.

3. It is the case of the petitioner that having served with the respondents

department, he retired in the year 2012. It is the grievance of the petitioner that his pension is not revised in accordance with Office Order dated 12.11.2020, which has been issued by the respondents.

4. At the very outset, the Court wanted to know from the learned counsel for the petitioner, as to why should this Court entertain the writ petition

under Article 226 of the Constitution of India, in view of the availability of alternate efficacious remedy from the State Public Services Tribunal, as

constituted under the Uttar Pradesh Public Services (Tribunal) Act, 1976.

5. Learned counsel for the petitioner would submit that the petitioner is only seeking fixation of his pension as per Office Memorandum dated

12.11.2020, issued by the respondents department.

6. Learned counsel for the respondents would submit that the pension of the petitioner has to be revised as per Office Memorandum dated 12.11.2020

and the process is already underway. According to him, the respondents admits the admissible claim of the petitioner as per Office Memorandum

dated 12.11.2020.

7. Since, the claim of the petitioner is not denied, the petition may be disposed of accordingly.

8. Learned counsel for the respondents suggests eight weeksâ?? time for taking action as per Officer Memorandum dated 12.11.2020.

9. Accordingly, the writ petition is disposed of with the directions to the respondents to revise the pension of the petitioner as per Office Memorandum

dated 12.11.2020 (Annexure No.2 to the writ petition) within a period of eight weeks from today.