
(2017) 10 UK CK 0021
In the Uttarakhand High Court
Case No : 3136 of 2017

Kalpana Chaudhary

APPELLANT

Vs

State of Uttarakhand & others

RESPONDENT

Date of Decision : 30-10-2017

Acts Referred:

Citation : (2017) 10 UK CK 0021

Hon'ble Judges : Manoj K. Tiwari

Bench : Single Bench

Advocate : Narendra Bali, ?S.K. Mishra

Final Decision : Disposed

Judgement

1. Heard learned counsel for the parties and perused the record.
2. Petitioner is serving as Lecturer (Maths) in Government Girl Inter College, Nainital. According to her, every Government teacher is entitled to promotional pay scale upon completion of 22 years of continuous satisfactory service. Grievance of the petitioner is that the benefit of promotional pay scale has not been given to her so far, although she became due for the said benefit in September 2011 upon completion of 22 years of continuous satisfactory service. Petitioner has now retired from service.
3. By means of present writ petition, petitioner sought following reliefs:-
 - (i) Issue a writ, order or direction in the nature of mandamus commanding and directing to the respondents to fix the promotional pay scale (15600-39100 with grade of Rs. 6600) along with arrears, interest and all other consequential benefits to the petitioner.
 - (ii) Issue a writ, order or direction in the nature of mandamus commanding and directing to the respondents to fix the pension of the petitioner as per the promotional pay scale.

4. Since the Competent Authority has not applied its mind regarding petitioner's claim and there is nothing on record to show that petitioner's claim for promotional pay scale has been rejected, therefore, in my opinion interest of justice would be served, if the Competent Authority in Education Department is directed to examine petitioner's claim and take appropriate decision.

5. Sri S.K. Mishra, learned counsel for the State also submits that the writ petition be disposed of with a direction to the Competent Authority to take appropriate decision, in accordance with law.

6. Accordingly, the writ petition is disposed of with liberty to petitioner to make appropriate representation before respondent No. 2 - Director, Higher Secondary Education, Dehradun within two weeks from today. If such representation is made, the Director shall decide the same by passing a reasoned and speaking order, in accordance with law, within a period of six weeks thereafter.