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(2024) 09 UK CK 0019

In the Uttarakhand High Court

Case No : Writ Petition Service Single No. 1674 Of 2024

Kamla Pandey And Others — APPELLANT

Vs

State Of Uttarakhand And Others — RESPONDENT

Date of Decision : 03-09-2024

Acts Referred:

Citation : (2024) 09 UK CK 0019

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Abhijay Negi, Snigdha Tiwari, Narain Dutt

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.

2. Facts of the case shorn-off unnecessary detail are that petitioners were initially appointed as Assistant Teacher in different Government Primary Schools as per the details given in paragraph no.3 of petition. Subsequently, they were promoted as Assistant Teacher, Junior High School, on the dates given in paragraph no.4. On completion of 10 years' service, they got the benefit of Selection Grade. Thereafter, they were absorbed in L.T. Grade by the order of respondent no.3. Case of the petitioners is that they are entitled to get the benefit of promotional pay scale w.e.f. 22.11.2017, 02.06.2022 and 27.09.2019 respectively. The petitioners moved separate representations before the Chief Education Officer, Nainital claiming the aforesaid benefit of promotional pay scale. Since no response was received to the same, hence they have approached this Court by way of present petition seeking benefit of grant of promotional pay scale to them.

3. It is contended by learned counsel for the petitioners that similar controversy came up in several writ petitions, and this Court has been pleased to allow those

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writ petitions where a clear cut mandate has been given by this Court that the service rendered by such teachers in Government Primary and Government Junior High School(s) shall be counted for the purpose of selection as well as the promotional grade and in those matters such relief has already been granted. Reliance has been placed by learned counsel for the petitioners to the judgment rendered in WPSS No.602 of 2014, Manu Dhondiyal Vs. State of Uttarakhand whereby several writ petitions have been allowed by this Court vide judgment dated 11.04.2017 involving the same controversy.

4. It is submitted by learned counsel for the petitioners that the said judgment attained finality as the matter was taken up in special appeal thereafter to Hon'ble Apex Court, and the said judgment passed by learned Single Judge in the case of Manu Dhondiyal (supra) was affirmed. Since the case of petitioners is squarely covered by the aforesaid judgment, the writ petition deserves to be allowed.

5. Attention of this Court was drawn by learned counsel for the petitioners to another judgment passed by Co-ordinate Bench of this Court wherein even the Government Order dealing with the controversy was also discussed and dealt with, and that writ petition has also been allowed by the Co-ordinate Bench being Writ Petition (S/S) No. 292 of 2021, Ramesh Chandra Bhatt Vs. State of Uttarakhand vide judgment dated 21.09.2021.

6. In this view of the matter, this Court finds no reason to deviate from the judgment and order passed by Co-ordinate Bench of this Court. Moreover, this Court itself has decided and passed several orders regarding the controversy wherein it has been held that service rendered prior to the adjustment of the petitioners as Assistant Teacher, L.T. Grade shall be counted for the purpose of granting the selection grade as well as promotional grade to such teachers.

7. In this view of the matter, the writ petition is hereby allowed. A mandamus is issued to respondent no.3-Additional Director of Education (Secondary), Kumaon Division, Nainital to grant the Promotional Pay Scale to the petitioners from their respective date of entitlement on which they have completed twelve years of service in selection grade, by counting the service rendered by petitioners, either in the Government Primary School or Junior Basic Schools, as the case may be, at the earliest but not later than three months from the date of passing of this order.

8. No order as to costs.

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