
(2020) 07 UK CK 0064

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 186 Of 2020

Kamlesh Chauhan

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 31-07-2020

Acts Referred:

Citation : (2020) 07 UK CK 0064

Hon'ble Judges : Ravi Malimath, J; Narayan Singh Dhanik, J

Bench : Division Bench

Advocate : B.M. Pingal, K.N. Joshi

Final Decision : Disposed Of

Judgement

Ravi Malimath, J

1. In terms of the impugned order dated 18.07.2020, passed by the second respondent, the plea of the petitioner was rejected for the session-end

benefit on the ground that the documents, which were required to be furnished by 31st March, 2020, were submitted by her only on 4th May, 2020.

Therefore, it was stated that it was not possible to give session-end benefit to the petitioner.

2. Shri B.M. Pingal, learned counsel for the petitioner, contends that all the documents were ready but could not be submitted by the petitioner due to

the pandemic that was pending. Even otherwise, the documents have been furnished by the petitioner on 04.05.2020.

3. Shri K.N. Joshi, learned deputy advocate general appearing on behalf of the State Government-respondent nos. 1 to 3, submits that the Rule

prescribes submission of documents before 31.03.2020. He would submit that, if the documents are submitted after 31.03.2020, no benefit can be

granted to the petitioner.

4. While we accept the aforesaid submission of Shri K.N. Joshi, learned deputy advocate general, we would also like to indicate that a humanitarian

consideration requires to be exercised in this petition.

5. There is no deliberate or intentional delay caused by the petitioner, which can go to her advantage. Undisputedly, there was a pandemic throughout

the country during the relevant period of time. Therefore, on this ground alone, we are of the view that the delay, in submitting the documents by the

petitioner, requires to be condoned. Therefore, the documents, as submitted by the writ petitioner, are required to be considered by the respondents as

if the documents have been furnished to them well within time.

6. Consequently, the impugned order dated 18.07.2020, vide Annexure No. 1, is quashed. The second respondent is directed to consider the application

of the petitioner and to grant her the benefit of the Government Orders dated 08.04.2011 and 20.09.2011 by accepting the documents filed by the

petitioner as if the documents have been filed within time.

7. With these observations, the Writ Petition is disposed off.

8. Since the petitioner is superannuating today, it is directed that she continues in the said post till further orders are passed by the second respondent.