

(2019) 07 UK CK 0089
In the Uttarakhand High Court
Case No : Special Appeal No. 629 Of 2019

Kedar Nath

APPELLANT

Vs

Mukhya Adhishthata, Gurukul Maha Vidyalaya, Jwalapur,
Haridwar & Others

RESPONDENT

Date of Decision : 08-07-2019

Acts Referred:

Citation : (2019) 07 UK CK 0089

Hon'ble Judges : Sudhanshu Dhulia, J;Alok Kumar Verma, J

Bench : Division Bench

Advocate : Anjali Bahuguna, S K Shandilya, B.S. Parihar

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J

1. This special appeal has been filed by the appellant against the judgment and order dated 15.05.2019 passed by the learned Single Judge of this Court in WPSS No.1952 of 2013.

2. Brief facts of the case are that the appellant was appointed as "Sahayak Sanrakshak" in Gurukul Maha Vidyalaya, Jwalapur, District Haridwar on 12.02.1986. Subsequently his services were terminated vide order dated 28.05.1990. This order was challenged by the appellant before the High Court of Judicature at Allahabad. However, after the creation of the State of Uttarakhand from the erstwhile State of Uttar Pradesh, the matter stood transferred to this Court and the said writ petition of the appellant was ultimately allowed by this Court on 17.04.2010 and the appellant was directed to be reinstated in service but no back wages was liable to be given to the appellant as did not work for the said period.

3. In compliance of the said order, the appellant was offered reinstatement on the post of "Sahayak Sanrakshak" vide order dated 04.05.2010. However, since the appellant did not give his joining on the post of "Sahayak Sanrakshak", again

a letter dated 17.05.2010 was issued to him by respondent no.1 asking him to join his duties as "Sahayak Sanrakshak", within a period of one week, failing which it shall be deemed that he is not interested in resuming duties.

4. However, the appellant insisted that he should be reinstated on the post of Clerk. Since this has not been done, the appellant filed a contempt petition before this Court being CLCON No.211 of 2010, which was dismissed by this Court on 14.05.2012 holding that the order passed by the writ court has been complied with as the appellant was reinstated on the post of Clerk. Thereafter the appellant joined his duties as a Clerk and after serving as a Clerk for few months, he reached the age of superannuation and retired from service on 09.01.2013.

5. Since the claim of the appellant for the salary on the post of clerk from 17.04.2010 till 09.01.2013 was denied by the respondents, the appellant filed a writ petition being WPSS No.1952 of 2013 before this Court, which was dismissed by the learned Single Judge of this Court vide order dated 15.05.2019.

6. The contention of the appellant throughout has been that he was appointed as a Clerk. There is a letter of his appointment on record filed in the writ petition which shows that the appellant was appointed on the pay scale of 110-230 on the post of "Sahayak Sanrakshak".

7. There is nothing to show whether the appellant was ever promoted to the post of Clerk. Now the appellant claims that his reinstatement on the post of Clerk shall be considered from 17.04.2010 to 09.01.2013 and he be given the salary for this period. This claim, however, has not been established by the petitioner in any manner.

8. This Court therefore does not find any occasion to interfere in the order dated 15.05.2019 passed by the learned Single Judge of this Court. Consequently, the special appeal fails and it is hereby dismissed.