
(2010) 09 UK CK 0098

In the Uttarakhand High Court

Case No : Writ Petition No. 4377 of 2001 (S/S)

Manmohan Tiwari

APPELLANT

Vs

Under Secretary and Others

RESPONDENT

Date of Decision : 17-09-2010

Acts Referred:

Citation : (2010) 09 UK CK 0098

Hon'ble Judges : V.K. Bist, J

Bench : Single Bench

Judgement

V.K. Bist, J.—This petition has been filed by the petitioner seeking writ of certiorari for quashing the orders dated 18.03.2000 and 07.02.2001 passed by respondent Nos. 1 and 4 respectively, by which the petitioner has been denied the benefit of protection of last salary drawn by them.

2. The petitioner was employee of U.P. State Brass Ware Corporation, Moradabad (which is U.P. Government undertaking). Under a policy decision taken by the Government of Uttar Pradesh to shut down the U.P. State Brass Ware Corporation Limited, Moradabad retrenchment of employees started and the petitioner was retrenched on 15.03.1994. On the date of retrenchment the petitioner was drawing salary in the pay scale of Rs. 1025-1720. The basis pay of the petitioner was Rs. 1210.00/ - at the relevant time. The service of the petitioner was merged in the office of District Development Officer, Almora but he is being paid lower pay scale than he was getting at the time of retrenchment. The District Development Officer, Almora sought clarification regarding fixation of pay of the petitioner. Thereafter the Government of Uttar Pradesh through letter dated 18.03.2000 informed the respondent No. 4 that the Government has taken a decision on 23.09.1999 that benefit of pay fixation in accordance with Clause 6 of the Government order dated 27.05.1993 shall not be given to the petitioner alongwith five other persons.

3. The only grievance of the petitioner is that the other employees who were also retrenched from U.P. Brass Ware Corporation, Moradabad and their services have

been merged in some other Government Departments, they have been given benefit of protection of last salary drawn and their pay have been fixed on the last salary drawn by them.

4. Learned Counsel for the petitioner submitted that the similarly situated employees filed writ petition No. 4465 of 2001 (S/S) by which direction was issued to grant benefit of protection of last salary drawn by them at the time of their retrenchment. In compliance of the direction issued by this Court in said writ petition benefit of protection of last salary drawn was given to them. This fact has not been denied by the Standing Counsel.

5. Keeping in view the facts and circumstances of the case and the submission made by the learned Counsel for the parties, it is provided that if the similarly situated persons are being given benefit of protection of last salary drawn by them at the time of retrenchment, the petitioner shall also be given the same benefit.

6. With the aforesaid observation, the writ petition is disposed of finally.