
(2025) 04 UK CK 0841

In the Uttarakhand High Court

Case No : Writ Petition No. 273 Of 2025 (S/S)

Mohan Singh

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 22-04-2025

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2025) 04 UK CK 0841

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Shubhang Dobhal, Suryakant Maithani, Bhupendra Singh

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. The petitioner was appointed on the post of Lower Divisional Clerk/ Typist under the Department of Culture, Lucknow on fixed salary on 01.03.2000. On 26.09.2000, the services of the petitioner were transferred to Dehradun in the Department of Assistant Directorate (Hill), Culture Department. He was receiving regular pay scale and D.A. vide order dated 09.05.2008. He had received all the arrears from 02.07.2004. His service was regularized vide order dated 08.05.2012. The services of the petitioner were merged in Uttarakhand Secretariat, Dehradun on the post of ARO vide order dated 18.09.2019. His past services before regularization have not been counted for the purpose of the pension. The petitioner has filed the present writ petition under Article 226 of the Constitution of India with the following prayers: -

“(i) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to pay pension (under the old pension scheme) and other service benefit to the petitioner by taking into account the ad-hoc services till regularization and to pay all the arrear of service benefits to the petitioner.

(ii) Pass any other writ, order or direction, which this Hon’ble Court may deem fit

and proper in the facts and circumstances of the case.

(iii) Award the cost of the writ petition to the petitioner.

(iv) Issue a writ, order or direction in the nature of mandamus directing the respondents to count the services of the petitioner before regularization for pension."

2. Heard Mr. Shubhang Dobhal, learned counsel for the petitioner and Mr. Bhupendra Singh, learned Brief Holder for the respondents

3. Mr. Yogesh Pant, the Secretary, Department of Culture and Mr. Dependra Chaudhary, the Secretary, Department of Sachivalaya Administration are present through video conferencing.

4. Mr. Dependra Chaudhary, the Secretary submitted that if the petitioner moves a representation before the Secretary, Department of Sachivalaya Administration, his representation shall be decided within six weeks.

5. Mr. Shubhang Dobhal, Advocate, submitted that the present matter is covered by the judgment dated 10.04.2024, passed in Special Appeal No.940 of 2018, "State of Uttarakhand and Others vs. Balraj Singh Negi" and batch. The State of Uttarakhand challenged the said judgment before the Hon'ble Supreme Court. The Special Leave Petitions have been dismissed on 14.10.2024.

6. Mr. Shubhang Dobhal, Advocate, further submitted that the petitioner shall submit his representation within two weeks' from today.

7. With the consent of both the parties, the present writ petition is disposed of with a direction that in case the petitioner submits his representation along with the certified copy of this order within two weeks' from today, the Secretary, Sachivalaya Administration, shall decide the said representation as per law as expeditiously as possible, but not later than six weeks from the date of the production of the representation and certified copy of this order.

8. It is made clear that this Court has not expressed any opinion on the merit of the case.