
(2018) 08 UK CK 0190

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 2060 of 2017

Mrs. Ila Chaudhary

APPELLANT

Vs

State of Uttarakhand and others

RESPONDENT

Date of Decision : 29-08-2018

Acts Referred:

Citation : (2018) 08 UK CK 0190

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

Bench : Single Bench

Advocate : Vinay Kumar, C.S. Rawat

Final Decision : Disposed Of

Judgement

V.K. Bist, J.

1. Petitioner has approached this Court seeking the following reliefs:

â??(i) Issue a writ, order or direction in the nature of Mandamus commanding and directing the respondents to revise/ upgrade the Pay Scale of the

petitioner on the post of Deputy Nursing Superintendent by placing her in the Pay Scale of Rs. 15600-39100 with Grade Pay of Rs. 5400/-w.e.f. 1-1-

2006, and accordingly pay the arrears of difference of salary for the said post.

(ii) Issue a writ, order or direction in the nature of Mandamus commanding and directing the respondents to treat the petitioner in continuous service of

the Govt. Medical College, Haldwani by treating her services rendered as regularly appointed Staff Nurse during the period 1997 to 5-1-2006 for the

purposes of Service Benefits.

(iii) Issue a writ, order or direction in the nature of Mandamus commanding and directing the respondents to give the petitioner the benefit of General

Provident Fund Scheme to the petitioner in terms of the provisions of the Uttarakhand Retirement Benefit (Amendment) Rules, 2009.â??

2. It is the case of the petitioner that the pay scale of Staff Nurse is Rs. 9300-34800/- with the grade pay of Rs. 4600/- and the pay scale of Sister/

Ward Master is Rs. 9300-34800/- with the grade pay of Rs.4800/-. The petitioner is Deputy Nursing Superintendent. The post of Deputy Nursing

Superintendent is higher than the post of Staff Nurse and Sister/ Ward Master to whom higher pay scale is being given. Though, the petitioner is

occupying the higher post; but, she is being given pay scale of Rs.9300-34800/- with the grade pay of Rs.4200/-; whereas, juniors to her i.e. Staff

Nurse and Sister/ Ward Master are being given grade pay of Rs.4600/- & Rs.4800/- respectively.

3. The prayer of the petitioner is that she may be given the higher pay scale i.e. pay scale Rs.5600-39100-34800/- with the grade pay of Rs.5400/-.

4. Learned Additional Chief Standing Counsel on the other hand submitted that, in fact, for grant of higher pay scale, the Pay Anomaly Committee is

to be constituted and, on the recommendation of the said committee, decision will be taken by the Government.

5. I think that the case of the petitioner is genuine. Initially, the petitioner was appointed on the post of Staff Nurse, then Sister/ Ward Master and,

thereafter, she has been promoted on the post of Deputy Nursing Superintendent; therefore, her case should have been considered by the respondent

authorities by now; but, that is not done. Therefore, I permit the petitioner to file a fresh representation, ventilating her grievance, before the competent

authority within a period of two weeks from today. In case such representation is filed by the petitioner within the stipulated period, the competent

authority shall take decision on the representation of the petitioner by reasoned and speaking order, in accordance with law, within a period of one

month from the date of filing of representation along with the certified copy of this order. Petitioner would be at liberty to raise all her contentions in

the representation.

6. Accordingly, the writ petition is disposed of. Urgency application also stands disposed of.

7. Let a certified copy of this order be issued within twenty four hours.