

(2024) 09 UK CK 0032

In the Uttarakhand High Court

Case No : Writ Petition No. 1765 Of 2024 (S/S)

Narayan Singh

APPELLANT

Vs

Uttarakhand Transport Corporation, Dehradun And Others

RESPONDENT

Date of Decision : 21-09-2024

Acts Referred:

Citation : (2024) 09 UK CK 0032

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : I.D. Paliwal, Ashish Joshi

Judgement

Maithani, J

1. By means of the instant petition, the petitioner seeks the following reliefs:-

"i) Issue a writ of certiorari quashing the impugned orders dated 28.1.2020 and 10.9.2021 passed by respondent no.2 to the extent the recovery of Rs.5,89,938/- toward 3rd ACP which was already sanctioned and thereafter adjusted pursuant to the office order no.164 dated 11.11.2020 from the payment of gratuity of the petitioner (contained as Annexure No.1 and 3 to this writ petition).

ii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to return back the arrear of salary of Rs.5,89,938/- which is being adjusted towards payment of gratuity as arrear of salary of 3rd ACP to the petitioner along with interest @ 10% applicable as per payment of Gratuity Act till the actual payment.

iii) Issue any other or further writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

iv) To award the cost of the petition in favour of the petitioner."

2. Heard learned counsel for the parties and perused the record.

3. At the very outset, learned counsel for the petitioner would submit that the matter is squarely covered by the judgment dated 04.04.2024, passed by the Division Bench of this Court in Special Appeal No.245 of 2022, Managing Director, Uttarakhand Transport Corporation, Dehradun and others vs. Ashok Kumar Saxena; and connected cases.

4. Learned counsel for the respondents admits this fact.

5. The matter is covered, therefore, instant petition is decided in terms of the judgment dated 04.04.2024, passed by the Division Bench of this Court in Special Appeal No.245 of 2022, Managing Director, Uttarakhand Transport Corporation, Dehradun and others vs. Ashok Kumar Saxena; and connected cases.