

(2022) 12 UK CK 0072

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 2265 Of 2017

Naveen Chandra And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 19-12-2022

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2022) 12 UK CK 0072

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : K.K. Harbola, Tej Singh Bisht, Indu Sharma

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. The present Writ Petition has been filed under Article 226 of the Constitution of India with the following reliefs:-

(i) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to grant the benefit of Government Order No.770/xxvii (7) 40 (ix)/2011 dated 06.11.2013 by granting the Pay Scale of Rs.5200-20200 + Grade pay of Rs.2800 of 2nd ACP/Promotional post forthwith from due date along with 18% interest.

(ii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to pay the arrears of the difference of pay scale of the Grade pay of Rs.2800/- of 2nd ACP/promotional post which has not been paid by the respondents authority to the petitioner from due date with 18% interest.

2. Heard Mr. K.K. Harbola, learned counsel holding brief of Mr. Bhagwat Mehra, learned counsel for the petitioners and Mr. Tej Singh Bisht, learned Deputy Advocate General assisted by Mrs. Indu Sharma, learned Brief Holder for the State.

3. Mr. Tej Singh Bisht, learned Deputy Advocate General for the State, submitted that the present matter relates to the conditions of service of public servants, therefore, the petitioners have alternate efficacious remedy to raise their grievances before the Uttarakhand Public Services Tribunal.
4. Mr. K.K. Harbola, the learned counsel appearing for the petitioners, agrees to transfer the present matter to the Uttarakhand Public Services Tribunal.
5. As the disputes raised in the present writ petition can be effectively adjudicated by the Uttarakhand Public Services Tribunal, with the consent of both the parties, the complete record along with the writ petition, after retaining the copies thereof, is being transmitted to the Uttarakhand Public Services Tribunal for hearing the writ petition as a claim petition in accordance with law.
6. The Uttarakhand Public Services Tribunal is also requested to consider entertaining the present matter as a claim petition taking into consideration this fact that the present matter has been pending for past five years.
7. The present Writ Petition (S/S No.2265 of 2017) stands disposed of accordingly.