

(2021) 08 UK CK 0189

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 711 Of 2020

Pawan Kumar & Others

APPELLANT

Vs

State of Uttarakhand & Others

RESPONDENT

Date of Decision : 13-08-2021

Acts Referred:

Citation : (2021) 08 UK CK 0189

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Ganesh Kandpal, Vinod Nautiyal, Ashish Joshi

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Petitioners were appointed in Uttar Pradesh State Road Transport Corporation. Upon creation of Uttarakhand Road Transport Corporation, their

services stood transferred to the new Corporation and they retired, while serving in Uttarakhand Road Transport Corporation on different dates

between 1.01.2006 to 30.09.2009.

2. By means of this writ petition, petitioners have sought following relief:-

1. a writ, order or direction in the nature of mandamus directing the respondents to determine the retirement benefits of the petitioners on the basis

of pay fixation made by the respondent on the date of their respective date of retirement in pursuant to the order dated 7.7.2014 passed by this

Honâ??ble court.

2. a writ, order or direction in the nature of mandamus directing the respondents to grant/release the difference of the amount of retirement benefits

already paid and refix as per order dated 7.7.2018 along with 18 % interest.

3. Learned counsel for the petitioners submits that the controversy raised in this writ petition is covered by judgment dated 20.07.2018 rendered by

coordinate Bench of this Court in WPSS No. 1275 of 2017. He further submits that the said judgment has been complied by the respondent

corporation and petitioners in the said writ petition have been given revised retiral benefits, with arrears.

4. Mr. Ashish Joshi, learned counsel for the respondent corporation submits that the Government Order dated 15.10.2009 and 02.02.2010 are coming

in the way in granting terminal benefits to the petitioners on the basis of notional pay fixation made by the Corporation. However, Government Orders

were considered by coordinate Bench while deciding WPSS No. 1275 of 2017.

5. Since the controversy in the present writ petition has been settled by judgment dated 20.07.2018 rendered in WPSS No. 1275 of 2017, therefore,

present writ petition is also disposed of in terms of the said judgment.