

(2018) 06 UK CK 0074

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 3221 of 2017, Writ Petition (S/S) No. 2392 of 2017

Raj Pal Singh & others

APPELLANT

Vs

State of Uttarakhand and others

RESPONDENT

Date of Decision : 19-06-2018

Acts Referred:

Citation : (2018) 06 UK CK 0074

Hon'ble Judges : SHARAD KUMAR SHARMA, J

Bench : Single Bench

Advocate : Alok Mahra, T.S. Bisht

Final Decision : Dismissed

Judgement

JUDGEMENT

Sharad Kumar Sharma, J.

Since, common questions of law and facts are involved in the above numbered writ petitions, hence the same are being taken up together and are being adjudicated by this common judgment.

2. The grievance of the petitioner in this present writ petition is against the non grant of the benefit of 3rd ACP. He seeks for enforcing the payment of

the benefits of Assured Career Progression Scheme (ACP Scheme) which has been granted to the Government aided institutions with effect from

01.01.2006, which was otherwise being deprived in relation to the Institutions and Polytechnics which were not in grant in aid.

3. Briefly put, the case of the petitioner is that he was working as Store Keeper with Respondent no. 4, which is a Government Aided Institution, and

after completing his requisite services he retired from his services as Cashier on

already calculated the grant of ACP benefit, which is payable to the petitioner; but under the note clause, the only embargo which has been referred

therein for not enforcing the benefit is the pendency of the present writ petition. The note clause reads as under:

****uksV% dze la[;k 2 ij vafdr Jh jktiky flag o dze la[;k 4 ij vafdr Jh dyh jke }kjk ek0 mPp U;k;ky; esa ,lhih gsrq okn nk;j fd;k gqvk gSA budk Hkqxrku okn ds fu.kZ; mijkar gh fd;k tk;sxA****

7. Taking that fact into consideration and while dismissing the present writ petition having rendered infructuous, it goes without saying that the note

clause in itself as mentioned in the tabulation given by the Principal, Kanhaiya Lal Polytechnic, Roorkee, District Haridwar (respondent no. 4) would

automatically stand waived off and the petitioner would be entitled for the benefits under Government Order dated 14th February, 2018 and ACP

payable to the petitioner.

8. The benefit as determined by the Principal, Kanhaiyal Lal Polytechnic, Roorkee annexed as Annexure No. 2 to the supplementary affidavit would

be enforced positively within a period of six weeks from the date of the certified copy of this judgment.

9. Subject to the above observations, the writ petition would stand dismissed as having rendered infructuous.