
(2018) 06 UK CK 0141
In the Uttarakhand High Court
Case No : Writ Petition No.788 of 2018

Ram Kumar Giri

APPELLANT

Vs

State of Uttarakhand & others

RESPONDENT

Date of Decision : 29-06-2018

Acts Referred:

Citation : (2018) 06 UK CK 0141

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

Bench : Single Bench

Advocate : Tapan Singh, N.P.Sah

Final Decision : Disposed Off

Judgement

V.K. BIST J.

Present petition has been filed for following reliefs:

â??i) Issue a writ, order or direction in the nature of mandamus commanding/ directing the respondents to upgrade the grade pay of the petitioner

Rs.2800 to Rs.4200, giving benefit of government order dated 05.10.2015 issued by the respondent no.1 (contained as Annexure No.1 to this writ

petition), as well as in compliance of directions issued by the respondent no.2 in its letter/order dated 28.10.2016 (contained as Annexure No.3 to this

writ petition).

ii) Issue a writ, order or direction in the nature of mandamus commanding/ directing the respondents to pay the difference of salary to the petitioner

along with 18% interest from the date of its due till the date of its actual payment, after upgrading the grade pay of the petitioner Rs.2800 to Rs.4200/-

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2. Case of the petitioner is that the State Government has issued a Government Order being Order No.377/II-2015-01(09)/2009 dated 05.10.2015,

whereby the respondent no.1 (State of Uttarakhand, Irrigation Department, through its Secretary, Secretariat Dehradun) has sent a intimation to

respondent no. 2 (Chief Engineer & Head of the department, Irrigation Department (Mechanical), Yamuna Colony Dehradun, Uttarakhand) to resolve

the anomaly in the up-gradation of the pay scale as per Govt. Order dated 05.10.2015. Accordingly a pay anomaly committee was constituted, which

recommended the up-gradation of pay band from Rs.4400-7400 with grade pay of Rs. 1300 to pay band of Rs. 5200-20200 with grade pay of Rs.1800

which is claimed by the petitioner from grade pay of Rs.2800 to Rs. 4200.

3. It is submitted that based on the said Govt. Order dated 05.10.2015, respondent no.3 is said to have written a letter to respondent no.2 on

22.10.2016, requesting for compliance of the directions as given in the Govt. Order dated 05.10.2015 for the purposes of up-gradation of the pay band

of group 'A' employees in the electricity shop division of the Irrigation Department.

4. Learned counsel for the petitioner submits that the Govt. Order dated 05.10.2015 by virtue of which the up-gradation was granted, was brought into

force with immediate effect i.e. from the date of its issuance on 05.10.2015 (i.e. prior to his attaining the age of superannuation).

5. It is the case of the petitioner that based on the directions given by respondent no.2, the respondent no.2 thereby issued a direction on 28.10.2016 to

respondent no. 3 to the effect that the Govt. Order since has been enforced with immediate effect from 05.10.2015 all the employees would be

entitled for promotional grade pay from the said date. Consequently, in compliance thereof the up-gradation was done by the respondents.

6. In accordance with the said directives, the respondent no.4 prepared a list of group 'A' employees who are placed under various brackets of

grade pay as contemplated by the Govt. Order dated 05.10.2015. The petitioner's grievance was that since he was getting a grade of Rs. 2800

therefore he was entitled for a higher grade of Rs. 4200. But despite of there being specified directions by the Govt. Order 05.10.2015 and the letter

dated 28.10.2016, the same was not paid to him. Consequently, he was forced to file a representation of 28.12.2016 for enforcement of his claim

before the respondent nos. 2, 3 and 4.

7. It is submitted that there were identical representations submitted by various other claimants praying for an up-gradation of the grade pay and in

response thereto the respondent no.4 has written to respondent no.3 on 11.01.2017 to grant the benefit of the up-gradation. It is the case of the

petitioner that with reference to the letter dated 11.01.2017 written by respondent no. 4, respondent no. 3 had written a letter dated 20.01.2017 and

thereafter grade pay was fixed as Rs.4200.

8. In the writ petition, the petitioner has brought the fact on record that in an identical matter, the issue reached upto this Court, and this Court vide its

judgment dated 23.03.2018 in Writ Petition (S/S) No.515 of 2018 had disposed of the writ petition directing to grant the up-gradation of the scale based

on the Govt. Order dated 05.10.2015. Relevant part of the order dated 23.03.2018 passed in WPSS No.515 of 2018 is quoted hereunder:

“The respondents are directed to upgrade the pay grade of the petitioner in view of the Government Order dated 05.10.2015 read in conjunction

with 28.12.2016 within a period of eight weeks from today.”

9. Based on the aforesaid judgment rendered by the coordinate Bench of this Court, the respondents are said to have passed an order on 03.05.2018

(Annexure 9 to the writ petition) whereby the benefit of the Govt. Order dated 05.10.2015 has been extended to identically placed employees. The

petitioner submits that his case is squarely covered by the said direction and the consequential order dated 03.05.2018. This fact has not been

specifically denied by Standing Counsel.

10. Accordingly, this writ petition too is disposed of in the light of the directions dated 23.03.2018 as passed by the coordinate Bench of this Court,

with a direction to the respondents to pay to the petitioner upgraded pay in pursuance of the Govt. Order dated 05.10.2015 read with Govt. Order

dated 28.10.2016 and as well as in the light of the subsequent order of compliance dated 03.05.2018. Accordingly, the writ petition would stand

disposed of. However, there would be no order as to costs.