
(2023) 01 UK CK 0020

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 2 Of 2023

Shailendra Raj Singh & Another

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 05-01-2023

Acts Referred:

Citation : (2023) 01 UK CK 0020

Hon'ble Judges : Vipin Sanghi, CJ;Manoj Kumar Tiwari, J

Bench : Division Bench

Advocate : Hari Mohan Bhatia, Pradeep Joshi, T.A. Khan, Sadaf

Final Decision : Disposed Of

Judgement

Vipin Sanghi, CJ

1. Issue notice.

2. Learned counsels for the respondents appear and accept notice.

3. The petitioners have preferred this Writ Petition to seek the following relief:-

"I. Issue a writ, order or direction in the nature of mandamus commanding the respondents to make payment of arrears of salary of the Petitioners in view of Pay Fixation after the acceptance recommendation 7th Pay Commission by the respondents from 01.01.2016 till the date of retirement of petitioners and also direct the payment of Earn Leave, Gratuity and Provident Fund Contribution alongwith 12% interest from the date of its accrual till the date of actual payment to the Petitioner."

4. Mr. Khan, who appears for respondent Nos. 2 & 3, who are the contesting respondents, states that the respondents do not dispute the petitioners' claim for arrears payable on account of implementation of the 7th Pay Commission from 01.01.2016, and the consequent enhancement in the amount payable towards Earned Leave, as well as Provident Fund Contribution. He submits that the said

amount has not been paid due to the financial stringency being faced by respondent Nos. 2 & 3. He, however, seriously disputes the petitioners' claim with regard to their claim for gratuity, since gratuity already stands paid to the petitioners.

5. The petitioners are public servant, and normally, we would have relegated the petitioners to prefer their Claim Petition before the Uttarakhand Public Services Tribunal. However, since there is no factual dispute raised in relation to a part of the claim, as aforesaid, we dispose of this petition with a direction to the respondents to pay the amount due to the petitioners towards arrears of pay on implementation of the 7th Pay Commission Report w.e.f. 01.01.2016, enhanced payment towards Leave Encashment and enhanced payment towards Provident Fund Contribution within six months from today. In case, the said amounts are not paid within six months, the same shall carry interest at the rate of 6% per annum. The petitioners are left to pursue their claim for gratuity before the appropriate forum. We make it clear that with regard to the petitioners' claim for gratuity, we have not examined the same on merits.

6. The writ petition stands disposed of in the aforesaid terms.