

(2010) 12 UK CK 0111

In the Uttarakhand High Court

Case No : Writ Petition (SS) No. 1076 of 2009

Sohan Singh Bisht and Another

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 22-12-2010

Acts Referred:

Citation : (2010) 12 UK CK 0111

Hon'ble Judges : Nirmal Yadav, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Nirmal Yadav, J.—Heard learned Counsel for the parties.

2. The Petitioners are seeking mandamus commanding the Respondents to pay salary from the date of which they have assumed the charge on the post of Principal.

3. Learned Counsel for the Petitioners stated that they worked on the post of Principal for more than 30 days and they have not been given the salary as officiating Principal. He further stated that Regulation 2(1) & (3) of the U.P. Intermediate Act 1921 provides that if a post of Principal is vacant then the senior most qualified teacher in the higher grade would be allowed to work as acting head of the institution and would be entitled to pay higher than the scale in which he is drawing salary if he has worked for a period of more than 30 days.

4. It is not disputed by the learned Counsel for the parties that both the Petitioners have officiated as Principal for more than 30 days in a vacant post.

5. Learned Counsel for the Petitioners referred a judgment of this Court rendered on 30.07.2009 in writ petition No. 1155 (SS) of 2008 (Suresh Chandra Sharma v. State of Uttarakhand and Ors. writ petition No. 1155 (SS) of 2008) and submitted that this case is fully covered by the ratio of above judgment.

6. Taking into consideration the facts and circumstances of the case that the case

of Petitioners is fully covered by the judgment of this Court which is not disputed by the Respondents, the Petitioners are entitled to recover the salary for which they had worked as officiating Principal. The Respondents are directed to pay the salary to the Petitioners from the date they assumed charge as such and till they worked on the said post.

7. The writ petition is allowed in the above terms.