
(2024) 09 UK CK 0029

In the Uttarakhand High Court

Case No : Writ Petition Service Single No. 1892 Of 2023

Sohan Singh Rawat And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 02-09-2024

Acts Referred:

Citation : (2024) 09 UK CK 0029

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Bhagwat Mehra, Narain Dutt

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. Heard.

2. Petitioners have challenged writ of certiorari quashing Clause 2(Ga) of G.O. dated 06.09.2019 and G.O. dated 13.09.2019 qua petitioners to the extent of not providing them benefit of one increment from the date of grant of selection grade.

3. Petitioners were initially engaged as Shiksha Bandhu as per the Scheme formed by the State in 2001. Their services on the post of Lecturers were regularized in the year 2013. They have completed 22 years of service in the Department. The petitioners at the time of grant of selection grade pay were given one additional increment as per Uttarakhand Govt. Servants Salary Rules 2016. In terms of G.O. dated 06.09.2019, benefit of additional increment granted to petitioners has been ordered to be recovered since the said G.O. is silent regarding that benefit. Hence this petition.

4. Learned Counsel for the petitioners, at the outset, has argued that the controversy involved herein has been set at rest by a judgment dated 04.01.2024 passed by the Co-ordinate Bench of this Court in WPSS No.2269 of

2022 (Shankar Singh Bora v. State) and batch, wherein, the same set of facts were involved. The Co-ordinate Bench allowed those petitions and quashed the order of recovery.

5. Learned State Counsel on the last date was asked to seek instructions. Today, written instructions dated 31.08.2024 have been supplied in the Court which are made part of the record. According to those instructions, the present controversy is akin to that of involved in WPSS No.2269 of 2022 and batch.

6. In view of aforesaid consensus, present petition is also allowed in terms of judgment dated 04.01.2024 passed by the Co-ordinate Bench of this Court in WPSS No.2269 of 2022 and batch. As a result, the order of recovery passed against the petitioners is hereby quashed.

7. Pending application, if any, stands disposed of.