

(2022) 10 UK CK 0035

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 3581 Of 2018

Sushil Kumar And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 17-10-2022

Acts Referred:

Citation : (2022) 10 UK CK 0035

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Neetu Singh, Vinod Joshi, Anjali Bhargava, Indu Sharma

Final Decision : Disposed Of

Judgement

Alok Kumar Verma,J

1. The present Writ Petition has been filed by the petitioners with the following reliefs:-

(i) Issue an appropriate writ, order or direction in the nature of Certiorari to quash the impugned Order No. अर्थ-5 (क)/2129-32/वेतन निर्धारण निर्धारण/2018-19 dated 28.04.2018 (annexed as Annexure No.6 to this writ petition) issued by the respondent No. 3, in the interests of justice to petitioners.

(ii) Issue an appropriate order, Writ or directions in the nature of Mandamus directing the respondents to allow the petitioners to submit their options for fixing their pay w.e.f. the date of their promotions as per provisions of Uttarakhand Govt. G.O. No. 27/XXVII(7) (स्प-1) /2009 dated 13.02.2009 (annexed herewith as Annexure No. 3) to meet ends of justice to the petitioner.

(iii) Issue an appropriate order, Writ or directions in the nature of Mandamus directing the respondent no. 1 to accept the recommendations of the respondent no. 3, the Director Primary Education of Uttarakhand, submitted vide the Letter No. प्रा0षि0-दो(2)/7177/18(8)/2018-19 dated 11.07.2018 (annexed herewith as Annexure No.8) in the

interests of justice to petitioners.

(iv) Issue an appropriate order, Writ or directions in the nature of Mandamus directing the respondent no. 3 to decide the representations dated 09.05.2018 of petitioners by an speaking orders and till such decision on the representations, no recovery should be made from the petitioners.

2. Heard Mrs. Neetu Singh, the learned counsel and Mr. Vinod Joshi, the learned counsel for the petitioners and Mrs. Anjali Bhargava, the learned Additional C.S. C. for the State assisted by Mrs. Indu Sharma, the learned Brief Holder for the State.

3. Counter affidavit, filed by the State, is taken on record.

4. During the arguments, Mrs. Anjali Bhargava, the learned Additional C.S.C. for the State submitted that the present matter relates to the conditions of service of public servants, therefore, the petitioners have an alternate efficacious remedy to raise their grievances before the Uttarakhand Public Services Tribunal.

5. Mrs. Neetu Singh and Mr. Vinod Joshi, the learned counsel for the petitioners, agree to transfer the present matter to the Uttarakhand Public Services Tribunal.

6. As the disputes raised in the present writ petition can be effectively adjudicated by the Uttarakhand Public Services Tribunal, with the consent of the parties, the complete record along with the writ petition, after retaining the copies thereof, is being transmitted to the Uttarakhand Public Services Tribunal for hearing the writ petition as a claim petition in accordance with law.

7. The Uttarakhand Public Services Tribunal is also requested to consider entertaining the present matter as a claim petition taking into consideration this fact that the present matter has been pending for past four years.

8. The learned counsel appearing for the petitioners requested to extend the interim order dated 12.10.2018.

9. In the facts and circumstances of the case, till the Uttarakhand Public Services Tribunal takes cognizance of the present matter, the impugned order dated 28.04.2018 (Annexure No. 6 to the writ petition) is kept in abeyance.

10. The present Writ Petition (S/S No. 3581 of 2018) stands disposed of accordingly.