

(2018) 12 UK CK 0090

In the Uttarakhand High Court

Case No : Writ Petition (WPSS) No. 4027, 4033 Of 2018

**Tara Jangpangi And Others @APPELLANT@Hash State Of Uttarakhand
And Others**

Date of Decision : 04-12-2018

Acts Referred:

Citation : (2018) 12 UK CK 0090

Hon'ble Judges : Sharad Kumar Sharma, J

Bench : Single Bench

Advocate : Rajesh S. Nagarkoti, V.S. Mahara, N.S. Pundir, Bina Pandey

Final Decision : Allowed

Judgement

Sharad Kumar Sharma, J

1. The minor factual backdrop may be different in all the writ petitions which are being decided by this common judgment, but, the issue in its wider implication happens to be the common, hence, these writ petitions are being decided together.

2. The petitioners to the present Writ Petitions are the retired employees and they have sought for the following reliefs (for brevity, reliefs of leading

Writ Petition No. 4027 of 2018 (S/S) are being taken into consideration :-

â??i. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to remove the disparity in pay scale

between teachers of Government Model School Cadre serving in Govt. Model Schools vis-À-vis those like petitioner who served in Government High

School.

ii. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to grant the benefit of pay revision to the

Teacher or Government Model Cadre School served in the Govt. High Schools to

bring them at par with person belonging to the same class serving in the Government Model School.

iii. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to revise the pay scale of the petitioner to

Rs.5500-9000 in ordinary grade Rs.6500-10500 in selecting grade and Rs.7500-1200 as promotion pay scale w.e.f. 01.09.2000 and pay fixation to be done with reference to 01.01.1996 and consequently re-determine the pension of the petitioner.

iv. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent no. 4 to give all pensioner & consequential benefits of 01.01.1996 to till date to the petitioner.

v. Award any other suitable writ, order or direction which this Honâ??ble Court may deem fit and proper in the circumstances of the case.â??

3. Basically, the relief which is centered around is on the ground that there happens to be disparity in payment of pay scale, which has chanced

between the teachers of Government Model Cadre Schools, serving in the Government Model Schools vis-Ã -vis those like petitioners who have

served in Government High School, payer is sought that the same may be removed and the petitioners may be granted the benefit of pay revision as

given to the Teachers of Government Model Cadre School serving in the Government High Schools so as to bring them at par with the teachers

belonging to the same class.

4. Petitioners have also prayed for a writ of mandamus seeking revision of the pay scale of the petitioners to Rs.5500-900 in the ordinary grade,

Rs.6500-10500 in selecting grade, Rs. 7500-12000 as promotion pay scale w.e.f. 01.09.2000 and pay fixation to be done with reference to 01.01.1996

so as to re-determine the pension of the petitioners.

5. In support of their contention, the learned counsel for the petitioners admitted that the controversy has been settled by the Coordinate Bench of this

Court by the judgment dated 20th November, 2013, as rendered in Writ Petition No. 1433 of 2006 (S/S), Mahesh Chandra Murari and others Vs. State

of Uttarakhand and others. The said judgment, on a challenge being given to it by the State, the said judgment in leading Special Appeal No. 365 of

2014 and other connected other appeals, the Division Bench of this Court by the judgment dated 5th November, 2014, had dismissed the Special

Appeals and thereby, affirmed the direction given by the learned Single Judge. The judgment of the Division Bench was challenged by State before the Honâ??ble Apex Court and the Honâ??ble Apex Court too in SLP No. 7548 of 2015, had dismissed the same by its judgment dated 27th April, 2015.

6. Having heard the learned counsel for the parties and considering the admission made by the counsel to the effect that the controversy stands covered by the aforesaid judgments, these Writ Petitions too would stand disposed for in terms of the aforesaid judgments as rendered by the Coordinate Bench of this Court, which has been ultimately affirmed by the Division Bench and the Honâ??ble Apex Court. Considering the aforesaid circumstances and admitted fact, the petitioners would too be entitled for the benefits in terms of the judgments referred aforesaid, which will constitute as to be the part of the judgment rendered today in the Bunch of Writ Petitions.

7. Accordingly, the Writ Petitions are allowed.