

(2024) 08 UK CK 0104

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1619 Of 2024

Yash Pal Singh

APPELLANT

Vs

Managing Director And Others

RESPONDENT

Date of Decision : 28-08-2024

Acts Referred:

Citation : (2024) 08 UK CK 0104

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Vinod Chandra Joshi, N.S. Pundir

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.

2. By means of this writ petition, petitioner has prayed for following reliefs:

"i). Issue a writ order or direction in the nature of Certiorari to quash the office order dated 28.07.2022 (contained as Annexure No.3 to the writ petition) whereby an order of recovery of Rs.2,79,662/- from gratuity amount has been made.

ii). Issue a writ, order or direction in the nature of Mandamus commanding and directing the respondent authority to pay the remaining deducted amount of gratuity of Rs. 2,79,662/- which were deducted before retirement of petitioner with statutory bank interest. "

3. Learned counsel for the petitioner submits that the controversy has been set at rest by a Coordinate Bench of this Court, vide judgment and order dated 14.06.2022 passed in WPSS No.1593 of 2021 Balam Singh Aswal Vs. Managing Director and Others and Batch of writ petitions, which are subsequently affirmed by the Division Bench of this Court vide judgment and order dated 04.04.2024 in

Special Appeal No.245 of 2022, Managing Director, Uttarakhand Transport Corporation, Dehradun & Others Vs. Ashok Kumar Saxena, and Batch of Special Appeals. Learned counsel for the petitioner also relied upon the judgment and order dated 03.05.2024 passed by this Court in Writ Petition No.2276 of 2022 (S/S).

4. Learned counsel for the respondents has also submitted that the present matter is squarely covered by the judgment and order dated 14.06.2022, which was affirmed in Special Appeals as referred above by learned counsel for the petitioner vide judgment dated 04.04.2024.

5. In this view of the matter, the writ petition is allowed in terms of the judgment and order dated 14.06.2022 passed by a Coordinate Bench of this Court in WPSS No.1593 of 2021 Balam Singh Aswal Vs. Managing Director and Others and Batch, which is affirmed by a Division Bench of this Court in Special Appeal No.245 of 2022 Managing Director, Uttarakhand Transport Corporation, Dehradun & Others Vs. Ashok Kumar Saxena and Batch, vide judgment dated 04.04.2024. The case of the petitioner shall abide by the aforesaid judgment and order dated 14.06.2022, which is later on affirmed vide judgment dated 04.04.2024 in Special Appeals as stated above.