

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 393 (S/B) of 2004

Gulab Singh Bisht aged about 82 years
S/o Shri Laxman Singh Bisht,
Retired Deputy Director, Education,
R/o A-4, Judge Farm, Haldwani,
P.O. Haldwani, District-Nainital.

..... Petitioner.

Versus

1. State of Uttaranchal through
Secretary Education,
2. Accountant General, Uttaranchal
Pension Accounts Department (PA Section)
Dehradun,
3. Director, Education, Uttaranchal,
Ramnagar/Dehradun,
4. State of U.P. through Secretary of
Education, Lucknow,
5. Accountant General (II), U.P.
Pension Accounts Department (PA Section),
Allahabad.

..... Respondents.

Date: 30th March, 2005.

Hon'ble P.C. Verma, J.

Hon'ble P.C. Pant, J.

This petition has been filed by the petitioner to issue writ of mandamus commanding the respondents to include services of the petitioner rendered by him during the period 1952 to 1958 in the total services of the petitioner and give him all the benefits of this period.

2.

Sri M.C. Pande, learned counsel for the petitioner submits that the petitioner had deposited the Management's Contributory Provident Fund Share with interest within the time provided in amended G.O. No. 3054/15-8-99-3094 (1)/94 dated 04.12.1999 but he is not being given pensionary and other benefit of the service rendered by him during the period 1952 to 1958. He further submits that the petitioner is entitled to the pensionary and other benefits for the period he served as a teacher in the Government recognized Non-Aided Schools in the State of U.P. i.e. 1952 to 1958 on the ratio of the law laid down by this Court in *Urbish Chandra Mishra's case*.

3. Sri K.P.Upadhyay, learned Standing Counsel for the State of Uttaranchal as well as the learned Standing Counsel for the State of U.P. neither made any objection nor filed any counter affidavit till date on behalf of the respondents. The learned Standing Counsel for the State of Uttaranchal has submitted that the petitioner has retired from service in the year 1983 and the matter pertains to the State of Uttar Pradesh.

4. We have gone through the material on record.

5. The controversy involved in this petition has been resolved by this Court in ***Writ Petition No. 503 (S/S) of 2001, Urbish Chandra Mishra versus State of U.P. & three Others***, decided on 28.09.2001. This petition is disposed of on the same terms and with the same direction as in the aforesaid writ petition.

(P.C. Pant, J.)

(P.C. Verma, J.)

30.03.2005
P.Singh