

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (SB) No.173 of 2017

Sher Singh Budal & Others

.....Petitioners

Versus

State of Uttarakhand & Another

.....Respondents

Mr. Manoj Tiwari, Senior Advocate assisted by Mr. Alok Mehra, Advocate for the petitioners

Mr. Paresh Tripathi, Chief Standing Counsel for the State.

Judgment

**Coram: Hon'ble V.K. Bist, J.
Hon'ble Alok Singh, J.**

Dated: 28th April, 2017

V.K. Bist, J. (Oral)

Petitioners have filed the writ petition seeking the following reliefs:

- (i) Declare non-payment of replacement scale to the petitioners despite provision in Government Order dated 1.3.2009 as arbitrary and illegal.
- (ii) Issue a writ, order or direction in the nature of Mandamus commanding the respondent no. 1 to grant benefit of replacement scale to the petitioners in terms of GO dated 1.3.2009 for purposes of re-fixation of their pension.
- (iii) Issue a writ, order or direction in the nature of mandamus commanding the respondents to revise the pension of the petitioners in view of Government decision contained in GO dated 01.03.2009 with all consequential benefits.

2. Mr. Manoj Tiwari, learned Senior Counsel appearing for the petitioners and Mr. Paresh Tripathi,

learned Chief Standing Counsel for the State/respondents submitted that the controversy involved in the present writ petition is squarely covered by the judgment dated 28th October, 2014, rendered in Writ Petition No.485 (S/S) of 2013, Keshwa Nand Joshi and others vs. State of Uttarakhand and another, therefore, present writ petition may be disposed of in terms of the said judgment. They further stated that Special Appeal filed against the said judgment is also dismissed by the Division Bench of this Court vide order dated 14th July, 2015 in Special Appeal No.289 of 2015, State of Uttarakhand & another vs. Keshwa Nand Joshi and others.

3. In view of the above, present writ petition is disposed of in terms of the judgment dated 28th October, 2014, rendered in Writ Petition No.485 (S/S) of 2013, Keshwa Nand Joshi and others vs. State of Uttarakhand and another.

(Alok Singh, J.)
28.04.2017

(V.K. Bist, J.)
28.04.2017

Rajni