

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
Writ Petition (S/S) No. 2430 of 2017

Shardendu Pandey

... Petitioner

Vs

State of Uttarakhand & others

... Respondents

Mr. Rajesh Joshi, Advocate, present for the petitioner.

Mr. B.P.S. Mer, Brief Holder, present for the State of Uttarakhand

Mr. Sandeep Kothari, Advocate, present for respondent Nos. 2 and 3.

Hon'ble Manoj K. Tiwari, J. (Oral)

1. Heard Mr. Rajesh Joshi, learned counsel for the petitioner, Mr. B.P.S. Mer, Brief Holder for the State of Uttarakhand, Mr. Sandeep Kothari, learned counsel for the KMVN/respondent No. 2 and 3 and perused the records.

2. By means of this writ petition, petitioner has sought the following reliefs:-

i) Issue a writ, order or direction in the nature of mandamus commanding the respondents to give the arrears of the salary from 01.01.2006 to 31.07.2009 along with 10% interest per Annum to the petitioner according with the Government Order dated 30.12.2009 (contained in Annexure No. 3 to the Writ Petition)

ii) Issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

3. Petitioner was a permanent employee of Kumaon Mandal Vikas Nigam Ltd. (*in short* "KMVN"), which is a Government Company. It is the case of petitioner that pay scale of all employees of KMVN, including petitioner, was revised vide Government Order dated 30.12.2009, however, petitioner was not paid arrears from 01.01.2006 to 31.07.2009. Learned counsel for the petitioner refers to a judgment dated 03.12.2014 rendered by coordinate Bench of this Court in WPSS No. 670 of 2014 and submits that the controversy has been laid to rest by the said judgment. He further refers to a judgment dated 05.12.2016 rendered by Division Bench of this Court in Special Appeal No. 77 of 2015, relating to the same matter, and submits that the view taken by coordinate Bench

of this Court has been upheld by the Division Bench in the above referred appeal.

4. Mr. Sandeep Kothari, learned counsel for the KMVN/respondent Nos. 2 and 3 fairly concedes that controversy stands concluded by the aforesaid judgment.

5. In such view of the matter, the writ petition is disposed of in terms of the judgment dated 03.12.2014 rendered by co-ordinate Bench of this Court in WPSS No. 670 of 2014. Respondent No. 2 i.e. Managing Director, KMVN, Nainital shall release the arrears of salary as well as gratuity from 01.01.2006 to 31.07.2009 within a period of eight weeks from the date of production of certified copy of this order.

(Manoj K. Tiwari, J.)

31.08.2017

Aswal