



2025:UHC:7712

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>WPSS/240/2024</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Mr. Lalit Samant, Advocate for the petitioner.</p> <p>2. Mr. Ganesh Dutt Kandpal, Deputy Advocate General for the State of Uttarakhand.</p> <p>3. According to petitioner, her husband was appointed as Stenographer on contract in <i>Sarva Shiksha Abhiyan</i> in October, 2004. It is her case that appointment of her husband was made after selection against a sanctioned post. Petitioner's husband passed away on 02.04.2020.</p> <p>4. In this petition, petitioner has sought the following reliefs:</p> <p><i>"(i) issue a writ, order or direction in the nature of mandamus, commanding/directing the respondents to give benefit of increment of salary/dearness allowance, house rent allowance and other allowance increased time to time as per 6th & 7th pay commission to the petitioner as per government orders issued time to time; and as per judgement & orders dated 10-6-2013 and 2-11-2019 passed by this Hon'ble Court (Annexure Nos. 8 & 11 to this writ petition).</i></p> <p><i>(ii) issue a writ, order or direction in the nature of mandamus, commanding/directing the respondents to respondents to release arrears of allowances to the petitioner within stipulated time framed by the Hon'ble High Court."</i></p>



		<p>5. Learned counsel for the petitioner refers to paragraph nos. 4 & 11 of the counter affidavit filed by respondent no. 3 for contending that the respondents have admitted that the service conditions of the petitioner are governed by the stipulation made in the Government Order dated 04.01.2003.</p> <p>6. Learned counsel for the petitioner submits that coordinate Bench in WPSS No. 1235 of 2012 and WPSS No. 1426 of 2019 decided a similar controversy and directed the respondents to pay the dearness allowance and other allowances to petitioner in that cases as per Government order dated 11.03.1995. He also relies upon another Government Order dated 04.01.2003 in support of his contention that respondents are liable to pay the benefit of increment of salary, dearness allowance, house rent allowance etc. to petitioner. Learned counsel for the petitioner thus submits that this writ petition deserves to be decided in terms of the judgments rendered in WPSS No. 1235 of 2012 and WPSS No. 1426 of 2019.</p> <p>7. Mr. Ganesh Dutt Kandpal, learned Deputy Advocate General, however, submits that the Government Orders, relied upon by petitioner, were superseded vide Government Order dated 28.10.2020.</p> <p>8. Be that as it may, since the Coordinate Bench has allegedly decided the identical issue in WPSS No. 1235 of 2012 and WPSS No. 1426 of 2019, therefore, the writ petition is disposed</p>
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			<p>of by permitting the petitioner to make representation. In her representation, she can place reliance upon the judgment rendered in writ petitions referred above. If petitioner makes such representation within three weeks from today, respondent no. 3 shall look in the matter and pass appropriate order, as per law, within four months from the date of receipt of such representation with certified copy of this order.</p> <p style="text-align: right;">(Manoj Kumar Tiwari, J.) 29.08.2025</p> <p>Navin</p>
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