

| S.<br>No | Date | Office Notes,<br>reports, orders or<br>proceedings or<br>directions and<br>Registrar's order<br>with Signatures | COURT'S OR JUDGES'S ORDERS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|          |      |                                                                                                                 | <p>WPSS No. 2342 of 2017<br/>with<br/>WPSS No. 2514 of 2017<br/><u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u></p> <p>Mr. Ganesh Kandpal, Advocate for the petitioners.</p> <p>2. Mr. Puran Singh Bisht, Additional Chief Standing Counsel for the State of Uttarakhand/respondents.</p> <p>3. Since common questions of law and fact are involved in these writ petitions, therefore they were heard together and are being decided by a common judgment. However, for the sake of brevity, facts of Writ Petition (S/S) No. 2342 of 2017 alone are being considered and discussed.</p> <p>4. Petitioners were appointed as daily wager against Group-D post in Dhaila Range, Corbett Tiger Reserve, Ramnagar on different dates between 2012 to 2014. According to them, they are entitled to minimum of pay scale in terms of Government Order dated 12.03.2014 and the judgments rendered by Hon'ble Supreme Court in Civil Appeal No. 3634 of 1998, 'State of Uttar Pradesh v. Putti Lal' and one rendered by this Court in WPSS No. 2008 of 2014; however, since the said benefit was not being granted to them, therefore, they filed WPSS No. 1468 of 2016 seeking a direction to the Competent Authority to take decision regarding the grant of minimum of pay scale; the said writ petition was disposed of vide order dated 17.04.2017 directing the Competent Authority to take decision on petitioners' claim of minimum of pay scale; the Competent Authority considered and rejected the claim of petitioners vide order dated</p> |

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|  |  |  | <p>15.06.2017, which is under challenge in these writ petitions.</p> <p>5. The sole reason assigned for rejecting petitioners' claim for minimum of pay scale is that they were not party to Civil Appeal No. 3634 of 1998, 'State of Uttar Pradesh v. Putti Lal'.</p> <p>6. Learned counsel for petitioners submits that similar controversy has been decided by this Court in WPSS No. 1957 of 2017 &amp; other connected writ petitions.</p> <p>7. Learned State Counsel submits that petitioners in the said writ petitions were employees of Forest Department, while, petitioners in the present case are serving in Corbett Tiger Reserve, that too in a Scheme of Government India. Thus, he submits that the present case is not covered by the judgment relied by petitioners.</p> <p>8. The contention raised by learned State Counsel is not acceptable, as the ground taken for rejecting petitioners' claim for minimum of pay scale is the same as was in WPSS No. 1957 of 2017 and in both the cases claim for minimum of pay scale has been denied only on the ground that petitioners were not party to the aforesaid Civil Appeal decided by Hon'ble Supreme Court and in WPSS No. 2008 of 2014, which was decided by Coordinate Bench of this Court.</p> <p>9. Thus, this court has no hesitation in holding that the issue involved in the present writ petition is similar to the one involved in WPSS No. 1957 of 2017, therefore, the present writ petition is decided in terms of judgment dated 28.12.2023, rendered in WPSS No. 1957 of 2017 and other connected petitions.</p> <p style="text-align: right;">(Manoj Kumar Tiwari, A.C.J.)<br/>29.12.2023</p> <p>Navin</p> |
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