

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			WPSS No. 3783 of 2018 / WPSS No. 3745 of 2018 WPSS No. 3782 of 2018 / WPSS No. 3784 of 2018 WPSS No. 3826 of 2018 / WPSS No. 3827 of 2018 WPSS No. 3828 of 2018 / WPSS No. 3829 of 2018 WPSS No. 3830 of 2018 / WPSS No. 3832 of 2018 WPSS No. 3833 of 2018 / WPSS No. 3834 of 2018 WPSS No. 3835 of 2018 / WPSS No. 3836 of 2018 WPSS No. 3837 of 2018 / WPSS No. 3838 of 2018 WPSS No. 3839 of 2018 / WPSS No. 3840 of 2018 WPSS No. 3841 of 2018 / WPSS No. 3852 of 2018 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> (1) Mr. Mahavir Kohli, learned counsel for the petitioners. (2) Mr. P.S. Bisht, learned Additional C.S.C. for the State of Uttarakhand. (3) Mr. Dharmendra Barthwal, learned counsel for the Uttarakhand Power Corporation Ltd. (4) Since common questions of fact and law are involved in these petitions, therefore, these petitions are clubbed together and are being heard & decided together. However, for the sake of brevity and convenience, facts of WPSS No. 3783 of 2018 alone are being considered. (5) Petitioner is serving as Technician, Grade-II in Uttarakhand Power Corporation Ltd. (<i>in short</i> 'UPCL'). According to petitioner, benefit of 7th Pay Commission was given to employees of UPCL w.e.f. 01.01.2016 vide Government Order dated 28.11.2017, however, he has been denied the opportunity to give option to adopt new pay matrix in terms of Rule 5 of the Government Servant Salary Rules, 2016. (6) Rule 5 of the said Rules gives an opportunity to every employee, who was in service on 01.01.2016 either to opt for the new pay matrix w.e.f. 01.01.2016 or from the date on which he is promoted or is given benefit under Assured

			Carrier Progression Scheme. (7) According to petitioner, Uttarakhand Government Servant Salary Rules, 2016 were made applicable in respect of employees of UPCL vide Government Order dated 28.11.2017, however, petitioner were not given the opportunity to submit option in terms of Rule 5 of the aforesaid Rules. According to him, by the time the Rules were adopted in UPCL, date of submitting option as per Rule 5 had expired. (8) Mr. Dharmendra Barthwal, learned counsel appearing for UPCL submits that Government Order dated 28.11.2017, on which petitioner has placed reliance, did not provide opportunity of option to the employees of UPCL. (9) Be that as it may, since Rule 5 of the aforesaid Rules provides for an opportunity to every Government Servant, therefore, the employees of UPCL are also entitled to similar opportunity, as they cannot be made to suffer on account of delay in the decision taken by UPCL, regarding applicability of said Rules to its employees. (10) Accordingly, writ petitions are disposed of with liberty to petitioners to approach Chairman, UPCL by making representation(s). If such representation is made, claiming opportunity of option as per Rule 5 of the said Rules, within three weeks from today, Chairman shall consider the prayer made by petitioners and take decision, as per law, within four months thereafter. (Manoj Kumar Tiwari, A.C.J.) 26.12.2023 Aswal
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