

Reserved On: 08.08.2024

Delivered On: 10.09.2024

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

HON'BLE THE CHIEF JUSTICE MS. RITU BAHRI

AND

HON'BLE SRI JUSTICE ALOK KUMAR VERMA

SPECIAL APPEAL NO. 37 OF 2024

State of Uttarakhand and Others Appellants.

Versus

Shanti Devi ... Respondent.

With

SPECIAL APPEAL NO. 39 OF 2024

State of Uttarakhand and Others Appellants.

Versus

Balpa Devi ... Respondents.

with

SPECIAL APPEAL NO. 46 OF 2024

State of Uttarakhand and Others Appellants.

Versus

Ratan Singh ... Respondent.

With

SPECIAL APPEAL NO. 48 OF 2024

State of Uttarakhand and Others Appellants.

Versus

Durga Devi ... Respondent.

With

SPECIAL APPEAL NO. 49 OF 2024

State of Uttarakhand and Others Appellants.

Versus

Kailash Chandra Joshi and Another ... Respondents.

With

SPECIAL APPEAL NO. 66 OF 2024

State of Uttarakhand and Others Appellants.

Versus

Prema Devi ... Respondent.

With

SPECIAL APPEAL NO. 77 OF 2024

State of Uttarakhand and Others Appellants.

Versus

Chanar Singh Gaira ... Respondent.

With

SPECIAL APPEAL NO. 78 OF 2024

State of Uttarakhand and Others Appellants.

Versus

Mohan Singh ... Respondent.

With

SPECIAL APPEAL NO. 79 OF 2024

State of Uttarakhand and Others Appellants.

Versus

Bachey Singh ... Respondent.

With

SPECIAL APPEAL NO. 80 OF 2024

State of Uttarakhand and Others Appellants.

Versus

Dhyan Singh ... Respondent.

With

SPECIAL APPEAL NO. 81 OF 2024

State of Uttarakhand and Others Appellants.

Versus

Chandan Singh ... Respondent.

Counsel for the appellant/ state: Mr. C.S. Rawat, learned
CSC, assisted by Mr.
Gajendra Tripathi,
learned brief Holder.

Counsel for the Respondents: Mr. Harendra Belwal,
learned Counsel in SPA
No. 77 of 2024 and SPA
No. 81 of 2024.

The Court made the following:

JUDGMENT:(per Hon'ble the Chief Justice Ms. Ritu Bahri)

These Special Appeals are filed by the State of Uttarakhand ("hereinafter referred as the appellants) against the judgment of the learned Single Judge dated 17.12.2021, Whereby the learned single Judge issued the writ of mandamus

and directed the respondents to grant the regular status to those daily wagers to whom the regular status was not provided till they have respectively attained their age of superannuation and as a consequence of grant of the status of regularization, the respondents were directed to consider and determine the retiral benefits payable to the petitioners along with the arrears on the basis of the benefits, which they would have been otherwise entitled as a grant of their regularisation in the light of the principles laid down under the Rules of 2003 and their regularization would be treated as to be the regularization with effect from 20.06.1991. Since the same judgment is challenged in these special appeals, we are considering Special Appeal No. 37 of 2024 for the sake of brevity.

2. The facts in the writ petition before the learned Single Judge are such that the petitioner was engaged as daily wager in the forest department since 01.09.1982. The Petitioner has been retired from the department on attaining the age of superannuation. The Petitioner has worked in the department for more than 33 years continuously but she has been retired without giving any retiral benefits.

3. The same judgment was challenged in SPA 200 of 2022 “*State of Uttarakhand and others Versus Gauri Dutt and others*”, where the coordinate bench of this court delivered the judgment vide order dated 05.09.2024, whereby the judgment passed by the learned single judge was modified as under:-

“6. In the present case, the judgment passed by the learned single judge is being modified to the effect that benefit of the regularization cannot be given with effect from 20.06.1991, and the same has to be given from the notional date of

regularization when they had retired and all the services by them before regularization will be counted towards pension.”

4. Therefore, The judgment delivered by the learned Single Judge is being modified to specify that the benefit of regularization shall not take effect from 20.06.1991. Instead, it will be effective from the notional date of regularization, which coincides with their retirement. Furthermore, all services rendered prior to their regularization will be considered for pension purposes.

5. Consequently, the appeals are disposed of, in view of the above terms.

(RITU BAHRI, C.J.)

(ALOK KUMAR VERMA, J.)

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RAWAT

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