



2024:UHC:9612

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPSS No. 3169 of 2018 With WPSS No. 3156 of 2018 WPSS No. 3159 of 2018 WPSS No. 3160 of 2018 WPSS No. 3161 of 2018 WPSS No. 3164 of 2018 WPSS No. 3166 of 2018 WPSS No. 3168 of 2018 <u>Hon'ble Manoj Kumar Tiwari, ACJ</u> 1. Mr. Alok Dalakoti, learned counsel for the petitioner. 2. Mr. Devesh Ghildiyal, learned Brief Holder for the State of Uttarakhand. 3. 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. 3169 of 2018 alone are being considered. 4. Petitioner was appointed on daily wage basis in Forest Department in the year 2001 and his services were regularised in the year 2012. Since the services rendered by petitioner as daily wagger are not being counted for determining the amount payable as pension to him, therefore, he has filed this writ petition seeking a direction to the Competent Authority to give benefit of services rendered by him as daily wagger and also to give him benefit of Old Pension Scheme, which was in vogue upto 30.09.2005. 5. Learned counsel for the petitioners has relied upon judgment rendered by Hon'ble Supreme Court in the case of <i>Prem Singh vs State of Uttar Pradesh &</i>



		<i>others, reported in (2019) 10 SCC 516. He also placed reliance upon judgment rendered by Hon'ble Supreme Court in the case of Habib Khan vs State of Uttarakhand & others, reported in (2019) 10 SCC 542. Learned counsel for the petitioners contends that in view of the aforesaid judgments, entire service rendered by petitioners before their regularisation are liable to be counted for pensionary benefit.</i> 6. Learned State Counsel, however, submits that State Legislature has enacted the Uttarakhand Retirement Benefits Act, 2018, and as per provisions of the said Act, pension would be payable only for regular service rendered after substantive appointment in the cadre. 7. Since petitioners claim for reckoning the service rendered as daily wager towards pension is yet to be considered by the Competent Authority, therefore, this Court thinks that ends of justice would be met, if petitioners are permitted to make representation before the Competent Authority. 8. Accordingly, writ petitions are disposed of by permitting the petitioners to make representation(s) to the Competent Authority. If petitioners make representation(s) for pension within two weeks from today, the Competent Authority shall examine their claim in the light of aforesaid judgments and take decision, as per law, within six months from the date of production of such representation(s), along with copy of this order. (Manoj Kumar Tiwari, ACJ) 17.12.2024 Aswal
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