



2024:UHC:9784

HIGH COURT OF UTTARAKHAND AT
NAINITAL

HON'BLE SRI JUSTICE RAKESH THAPLIYAL

WRIT PETITION (S/ S) NO. 2376 OF 2024

20TH DECEMBER, 2024

Premwati Sharma & others Petitioners.

Versus

State of Uttarakhand & others ...Respondents.

With

WRIT PETITION (S/ S) NO. 2380 OF 2024

WRIT PETITION (S/ S) NO. 2382 OF 2024

WRIT PETITION (S/ S) NO. 2383 OF 2024

WRIT PETITION (S/ S) NO. 2400 OF 2024

WRIT PETITION (S/ S) NO. 2403 OF 2024

WRIT PETITION (S/ S) NO. 2404 OF 2024

WRIT PETITION (S/ S) NO. 2405 OF 2024

WRIT PETITION (S/ S) NO. 2406 OF 2024

Counsel for the Petitioners : Mr. B.S. Negi and Mr. Siddhartha Singh Negi, learned counsels.

Counsel for the State of Uttarakhand : Mr. Narain Dutt, learned Standing Counsel.

Counsel for the State of U.P. : Mr. I.D. Paliwal, learned Additional Chief Standing Counsel.

The Court made the following:

COMMON JUDGMENT:(per Hon'ble Justice Sri Rakesh Thapliyal)

In these bunch of writ petitions, the petitioners are praying for the following relief:-

"i) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to direct the respondents to pay the interest on delayed



payment of arrears of revised pay scale to the petitioners at admissible rate like the similarly situated person getting the same.”

2. Learned counsel for the petitioners submits that, in fact, identical issue was raised in Writ Petition (S/S) No.179 of 2015, which was decided on 04.05.2017 by this Court, which was assailed by the State of Uttarakhand in bunch of special appeals, the leading one is Special Appeal No.202 of 2018, and all the special appeals were dismissed by the Division Bench *vide* its judgment dated 11.11.2021. Against the judgment dated 11.11.2021, passed by the Division Bench of this Court in Special Appeal No.202 of 2018, the State of Uttarakhand further went in appeal before the Hon'ble Apex Court, the leading one is Special Leave to Appeal (C) No(s).7763 of 2022, which were also dismissed by the Hon'ble Apex Court *vide* its judgment dated 18.08.2022, with liberty to the State to approach the High Court seeking some schedule of payment of arrears in view of the alleged financial crunch.

3. Learned counsel for the petitioners submits that pursuant to the judgment passed by this Court in Writ Petition (S/S) No.179 of 2015, which was affirmed by the Division Bench of this Court as well as by the



Hon'ble Supreme Court, other similarly situated incumbents were given the interest on the delayed payment. He also informs that some part of interest, if computed in the light of the judgments, as aforesaid, should lie upon the State of Uttar Pradesh.

4. Apart from this, learned counsel for the petitioners also placed reliance on the judgment of the Hon'ble Supreme Court in the case of "*Rushibhai Jagdishbhai Pathak vs. Bhavnagar Municipal Corporation, (2022) 18 SCC 114*", and particularly, he placed reliance in Paragraph No.17 of the judgment.

5. I have gone through the judgments, as aforesaid, and consequently, all these writ petitions are also disposed of finally with the direction to both the States to examine the claim of the petitioners for interest on delayed payment in the light of the judgments passed by this Court, reference of which, has been given in the preceding paragraph. The respondents are directed to complete the entire exercise within a period of three months from the date of presentation of certified copy of this order.

6. In view of the above, all the writ petitions are disposed of.



2024:UHC:9784

7. Pending application, if any, also stands disposed of.

(RAKESH THAPLIYAL, J.)

Dated: 20th December, 2024
NISHANT

NISHANT
KUMAR

