



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1525 (S/S) of 2017

Suresh Singh and others

-----Petitioners

Versus

State of Uttarakhand and others

-----Respondents

Presence:-

Mr. Niranjana Bhatt, learned counsel for the petitioner.

Mr. Naveen Chandra Tiwari, learned Brief Holder for the
State/respondents.

Hon'ble Mr. Subhash Upadhyay, J.

Petitioner has filed the Writ Petition with the following prayers:

“i) Issue a writ, order or direction in the nature of Mandamus directing the respondents to pay the petitioner the minimum of pay scale of Class IV post.

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondents to not to disturb the functioning of the petitioner as Daily Wager employee in the respondent department as the petitioners are working in the department satisfactorily for the last several years.”

2. Counsel for the petitioner submits that the petitioner nos. 1 & 2 are working since 2012 and petitioner nos. 3 to 5 are working since 2014 as daily wagers and at the time of filing of the writ petition they were getting Rs. 6800/- per month. Learned counsel for the petitioner submits that the Hon'ble Apex Court in the case of ***State of U.P. vs. Putti Lal***, reported in **2002 (3)**



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AWC 2375 (SC) had dismissed the SLP filed by the State of U.P and had confirmed the order passed by the Hon'ble Allahabad High Court which had directed the State Government of U.P. to frame scheme for regularisation of daily wagers and further provided that the daily wagers shall be paid the minimum of pay scale. He submits that the State Government is liable to pay minimum of pay scale of class-IV post to the petitioners as they are working for more than 13 years and are not being paid the minimum of pay scale despite the clear directions/order passed by the Hon'ble Apex Court. He further submits that the State Government of Uttarakhand on 25.11.2021 had passed an order, by which, the employees who were engaged subsequently than the petitioners are being paid the minimum of pay scale. He submits that Shri Jaiveer and Shri Shiv Shankar were engaged in the year 2013 in the Forest Division, Uttarkashi and similarly Shri Pawan Payal, Ramesh Chandra and Krishnapal were engaged in the year 2015 and 2016 and, as such, the persons who were engaged subsequently than the petitioners are being paid minimum of pay scale however, the petitioners are being denied such pay scale and the said action of the respondents is arbitrary and illegal.

3. Learned Standing Counsel was directed to seek instructions with respect to the working of the petitioners as in the counter affidavit it was stated that the petitioners are not engaged and the said fact was disputed by the counsel for the petitioner. The instructions submitted by the respondent no. 3 (Divisional Forest Officer, Uttarkashi) on 10.11.2025 reveals that all the petitioners except petitioner No. 2



Bhagwat Singh are said to be working, and with respect to the working of the petitioner no. 2, counsel for the petitioner submits that he is not aware of the working of the said petitioner, however, he submits that the period till which, petitioner no. 2 had worked, he is also liable to be paid the minimum of pay scale for the said period. Counsel for the State submits that the persons whose name had been referred by the petitioner and which find place in the order dated 25.11.2021 passed by the Secretary are being paid the said minimum of pay scale in pursuance to the directions issued in the Contempt Petition. However, the fact that the petitioners are working prior to the working of the said persons named above is not disputed by the counsel for the respondents.

4. Having heard learned counsel for the parties, this Court is of the view that the case of petitioners is liable to be considered for payment of minimum of pay scale of class-IV post as they are working since more than 10 years. The Hon'ble Apex Court in catena of judgments has held that the State as a model employer cannot deny the minimum of pay scale to its employee.

5. The respondent no. 2 shall consider the case of the petitioners for payment of minimum of pay scale of class-IV post. The case of the petitioners shall be considered in view of the observations made above and in view of the judgment passed by the Hon'ble Apex Court in the case of **State of U.P. vs. Putti Lal** (*Supra*) and also in view of the direction/order passed in the case of *Uttaranchal Van Shramik Sangh vs. State of Uttarakhand and others* passed in Civil Appeal Nos. 1486-1487/2020 decided on 12.02.2020. The respondent no. 2 shall



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consider the case of the petitioners for grant of minimum of pay scale of class IV post and pass a reasoned order within a period of four weeks from the date of production of certified copy of this Order.

6. With the above observations, the Writ Petition is disposed of finally.

(SUBHASH UPADHYAY, J.)

Dated: 22.12.2025
Kaushal