



2025:UHC:11406

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPSS/ 4139/ 2018</u> <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Tanmay Tiwari, learned counsel, holding the brief of Ms. Devika Tiwari, learned counsel for the petitioner. 2. Mr. Pradeep Hairiya, learned Standing Counsel for the State. 3. By the instant petition, petitioner is praying for the following reliefs: <i>"i) issue a writ order or direction in the nature of certiorari for quashing the order dated 05-05-2017 passed by respondent no. 3 (Annexure No. 9 to this writ petition).</i> <i>ii) issue a writ order or direction in the nature of mandamus directing the respondents to grant pension to the petitioner from the date of his superannuation.</i> <i>iii) issue a writ order or direction in the nature of mandamus directing the respondents to pay arrears of pension along with interest to the petitioner."</i> 4. Learned counsel for the petitioner submits that petitioner was initially inducted as Road Mate in the year 1970 against substantive post and on 31.01.2012, he retired from service and at that time the amount of gratuity and other benefits except pension were given to the petitioner. 5. Learned counsel for the petitioner apprised to this Court that in fact, earlier identical issue came up before this Court, which went to Apex Court and the Hon'ble Apex Court in Civil Appeal No. 227 of 2014 (Vinod Kumar Goel Vs. State of Uttarakhand) decided on 10.01.2014 held that employees of Cane Development Corporation cannot be discriminated and are entitled to get pension. Based on the aforesaid judgment, another matter came up before the Coordinate Bench of this Court in WPSS No. 40 of 2018 (Gopal Singh Bisht Vs. State of Uttarakhand), which was allowed on 27.10.2018 by holding that since the



		issue has been dealt with by the Hon'ble Apex Court and as such, the judgement of the Hon'ble Apex Court is binding. 6. Learned counsel for the petitioner submits that present writ petition is squarely covered by the judgment of the Coordinate Bench of this Court in WPSS No. 40 of 2018 (Gopal Singh Bisht Vs. State of Uttarakhand) dated 27.10.2018, which is based on the judgment of Hon'ble Supreme Court dated 10.01.2014 passed in Civil Appeal No. 227 of 2014 (Vinod Kumar Goel Vs. State of Uttarakhand) decided on 10.01.2014. 7. Mr. Pradeep Hairiya, learned Standing Counsel for the State have not disputed the judgment of the Hon'ble Apex Court as well as of this Court. 8. After perusing the entire record, this Court is of the view that present writ petition is squarely covered by the judgment of the Coordinate Bench of this Court dated 27.10.2018 in WPSS No. 40 of 2018 (Gopal Singh Bisht Vs. State of Uttarakhand). 9. Accordingly, present writ petition is disposed of in terms of the judgment passed by the Coordinate Bench of this Court in WPSS No. 40 of 2018 (Gopal Singh Bisht Vs. State of Uttarakhand) dated 27.10.2018. Respondents are directed to give pensionary benefits to the petitioner forthwith and calculate the arrears of the pension and release the same in favour of the petitioner within the period of three months from the date of production of certified copy of this order. In case, the arrears of the pension are released after three months from the date of production of certified copy, interest @ 7% per annum shall be payable on the outstanding amount to the petitioner to be calculated after three months, as stated. (Rakesh Thapliyal, J.) 19.12.2025 SKS
--	--	--



2025:UHC:11406

--	--	--	--