



2026:UHC:4544-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

8th June, 2026

Writ Petition (S/B) No.4 of 2026

Ajay Kumar Khandkar

-----Petitioner

Versus

State of Uttarakhand and Another

----Respondents

Presence:-

Mr. Vibhor Tewari, learned counsel for the petitioner.

Mr. P.S.Bisht, learned C.S.C. with. M.S. Bisht, learned Standing Counsel for the State.

JUDGMENT: (per Manoj Kumar Gupta, C.J.)

1. The present writ petition has been filed by the petitioner for the following reliefs:-

"i). Issue a writ, order or direction in the nature of mandamus directing the respondents to treat and fix the date of regularization of the petitioner w.e.f. 01.10.1990, in terms of the Government Order dated 21.11.1995 and in light of the judgments passed by this Hon'ble Court and the Hon'ble Apex Court, including the judgment dated 03.01.2019 passed in Trivikram Singh Kunwar & Others vs. State of Uttarakhand & Others (WPSS No. 1008 of 2014).

ii) Issue a writ, order or direction in the nature of mandamus directing the respondents to release the balance amount of gratuity wrongly withheld from the petitioner, amounting to 24,74,662/- along with interest, after recomputing the gratuity by reckoning the petitioner's qualifying service from 01.10.1990 instead of 1999. ."

2. The case of the petitioner is that he was appointed as a Lecturer on an ad-hoc basis against the substantive vacancy in Chemistry subject vide order dated 29.06.1990, i.e., prior to 01.10.1990. He



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continued to work as a Lecturer pursuant to a stay order dated 30.04.1991 granted by the Allahabad High Court. The petitioner had worked in various Government Intermediate Colleges under the Education Department of the Uttarakhand. By Government Order dated 21.11.1995 issued by erstwhile State of U.P., all Lecturers and L.T. Grade Teachers, who were appointed prior to 01.10.1990, were regularized. The regularization order, in respect of the petition, was however issued by the authorities on 14.10.1999. The case of the petitioner is that one Bhuwan Chandra Kandpal, who was appointed in identical manner as the petitioner and on same terms and conditions, filed Writ Petition No. (S/B) No. 162 of 2002. His writ petition was allowed by this Court vide order dated 28.10.2004 and direction was issued to treat his services as having been regularized in L.T. Grade since 01.10.1990. The said judgment was ultimately upheld in Civil Appeal No(s). 3396 of 2006, vide order dated 20.04.2011 by the Supreme Court. The case of the petitioner is that he being identically situated is entitled to his services being treated as regularized with effect from 01.10.1990 and accordingly his retrial benefits should be calculated and paid to him.



3. Learned Standing Counsel has placed the instructions received from the Director, Secondary Education, Uttarakhand dated 16.01.2026. In paragraph 2 of the instructions, it is admitted that the case of the petitioner is covered by the judgment of this Court in Bhuwan Chandra Kandpal. It is also stated that in pursuance of order of the Directorate dated 26.11.2025, the date of regularization of the petitioner has been treated as 01.10.1990 and his seniority has been fixed accordingly. The only grievance now is with regard to payment of retrial dues by adding the services from 01.10.1990 and as a consequence of which the petitioner would also be entitled to withheld amount of gratuity.

4. In view of the stand taken by the Directorate that the case of the petitioner is covered by the judgment of this Court in the case of Bhuwan Chandra Kandpal dated 28.10.2004, the present writ petition is also disposed of in same terms.

5. Accordingly, the respondents are directed to re-calculate retrial benefits of the petitioner by treating him to be in continuous service since 01.10.1990 and pay him the arrears along with interest at the rate of 9% per annum till the date of actual payment.



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

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 08.06.2026

Kaushal/PP