



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No.536 of 2024

18th August, 2026

Kewala Nand Pant ---Petitioner

Versus

State Of Uttarakhand & Others ---Respondents

With

Writ Petition Service Single No.538 of 2024

Hari Singh ---Petitioner

Versus

State Of Uttarakhand & Others ---Respondents

Presence:-

Mr. Anil K. Bisht, Advocate for the petitioner.

Mr. B.S. Koranga, Brief Holder for the State.

Since common questions of law and facts are involved, hence these two writ petitions are taken up together and decided by this common judgment. However, for brevity's sake, the facts of WPSS No.536 of 2024 alone are taken up. The petitioner has challenged the recovery of Rs.5,19,001/- sought to be made by the respondents authorities from the petitioner from his post retiral dues.

2. The facts of the case are that petitioner was



appointed as Lecturer (English) on ad hoc basis with effect from 13.07.1989 in Kapkote Inter College, Bageshwar. On completion of 10 years of service, petitioner was granted the benefit of selection grade with effect from 13.07.1999 vide order dated 25.01.2000 passed by the then District Inspector of School, Bageshwar. On 31.05.2005, the said institution was provincialised and it was renamed as Government Inter College, Kapkote, Bageshwar. The petitioner was granted promotional pay scale with effect from 13.07.2011. The petitioner was due to retire on 30.09.2002, but taking benefit of session end, he was superannuated on 31.03.2023 from Government Inter College, Salong, Almora.

3. The case of the petitioner is that the respondents, after retirement of petitioner, have made recovery from the post retiral dues of the petitioner on the ground that the ad hoc service rendered by him cannot be counted for the purpose of granting service benefits like selection and promotional grades.

4. Learned counsel for the petitioner submits that the government order dated 12.07.2002 provides that only satisfactory services are required for grant of service benefit and not a regular service. Moreover, the veracity of the said government order dated 12.07.2002 was affirmed by this Court in WPSS No.2602 of 2019; Special Appeal No.223 of 2023 preferred there-against was also dismissed; Special Leave Petition (C) No.59891 of 2024 was also dismissed.



5. Learned counsel for the petitioner further submits that the petitioner is not at fault and whatever amount was released in favour of the petitioner was as per the orders passed by the competent authority. It is further contended that petitioner did not practice any fraud or misrepresentation, therefore, he is not liable to any recovery of excess amount, if paid to him during his service career. Petitioner in this case was a Class-III employee and thus the amount paid to him cannot be recovered from his post-retiral dues as per the dictum of the Hon'ble Apex Court in the case of State of Punjab vs. Rafiq Masih, reported in (2015) 4 SCC 334.

6. Learned counsel for the petitioner further submits that the same controversy was dealt with by this Court while deciding WPSS No.335 of 2023 decided on 18.09.2025.

7. Learned State Counsel fairly concedes that similar issue has been dealt with by this Court in WPSS No.335 of 2023.

8. Accordingly, both the writ petitions are disposed of in terms of judgment dated 18.09.2025 rendered in WPSS No.335 of 2023. The Competent Authority shall examine whether the case of the petitioner is covered by the contingencies (i) only when the employee concerned is in any manner responsible for such excess payment, e.g. by playing fraud or by adopting



other deceitful means; or (ii) where an employee has given an undertaking before grant of such monetary benefit to the effect that in case the amount paid to him is found to be not admissible or is found to be in excess of what is due to him, then he will refund such amount/excess amount. If it is found that the petitioners' case do not fall under either of the two contingencies, all their retiral dues, including the amount recovered, if any, shall be released in their favour within ten weeks from the date of presentation of certified copy of this order.

(Pankaj Purohit, J.)

18.08.2026

Ravi