



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No. 708 of 2024

14 July, 2026

Mohd Imran

--Petitioner

Versus

State Of Uttarakhand & others

--Respondents

With

Writ Petition Service Single No.713 of 2024

Rakesh Kumar Sharma

--Petitioner

Versus

State Of Uttarakhand & others

--Respondents

Presence:-

Mr. Parikshit Saini, learned counsel for the petitioners.

Mr. G.S. Negi, learned Additional C.S.C. along with Mr. Narayan Dutt, learned Standing Counsel and Mr. D.K. Bankoti, learned Brief Holder for the State.

Hon'ble Pankaj Purohit, J.

Both these writ petitions involve common questions of law and fact, therefore, they are being taken up together and decided by this common judgment. For the sake of brevity, facts of WPSS No.708 of 2024, *Mohd. Imran vs. State of Uttarakhand & others* alone are being considered.

2. Petitioner was initially appointed as a Primary Teacher in a Government School. He was subsequently promoted to the post of Assistant Teacher in an upgraded school, i.e. Rajkiya Uccha Prathmik Vidhyalaya (Junior High School), Hakimpur Turra, Bhagwanpur, District Haridwar. Respondent No.2, Director, Primary Education,



Uttarakhand, passed the orders dated 09.02.2018 and 24.04.2018, whereby a direction was issued to recover the excess payment made to the petitioner pursuant to his promotion. Those orders dated 09.02.2018 and 24.04.2018 were challenged in WPSS No.3016 of 2018, *Mohd. Imran vs. State of Uttarakhand & others*, which was decided on 06.11.2023 by a Co-ordinate Bench of this Court along with WPSS No.990 of 2018, wherein the impugned orders were set-aside and a direction was issued not to make any recovery from the petitioner in the writ petition, i.e. the petitioner.

3. Learned counsel for the petitioner submits that the petitioner retired on 31.03.2022, therefore, before the judgment dated 06.11.2023 was passed in WPSS No.990 of 2018, the recovery of the excess payment amounting to Rs.3,09,909/- had already been recovered from the petitioner out of his retiral dues. Now, the petitioner is before this Court seeking a writ of mandamus commanding the respondents to forthwith pay the amount of Rs.3,09,909/-, which has been recovered by the respondents from the retiral dues of the petitioner, to the petitioner immediately.

4. Learned State Counsel does not dispute the fact that the writ petition of the petitioner was also subsequently allowed along with WPSS No.990 of 2018 and the batch of writ petitions, therefore, he is also entitled to get the same benefit, and the recovery made from the petitioner out of his retiral dues is also illegal. Accordingly, petitioner deserves to have the said amount returned.

5. Having considered the submissions made by learned counsel for the parties and having perused the



record of the case, this Court is of the view that the recovery effected from the petitioner is wholly illegal and is in the teeth of the judgment and order dated 06.11.2023 passed in WPSS No.990 of 2018 and the connected batch of writ petitions. Therefore, petitioner is entitled to get the same benefit from the State.

6. It is submitted by learned counsel for the petitioner that in WPSS No.713 of 2024, *Rakesh Kumar Sharma vs. State of Uttarakhand & others*, under the similar facts, an amount Rs.2,40,865/- was recovered from the retiral dues of Rakesh Kumar Sharma.

7. Accordingly, both the writ petitions are allowed. Respondent No.3, District Education Officer, Haridwar, is directed to return the amount of Rs.3,09,909/- (Rupees Three Lakhs Nine Thousand Nine Hundred Nine only) and Rs.2,40,865/- (Rupees Two Lakhs Forty Thousand Eight Hundred Sixty Five only) to the petitioners, respectively in both these writ petitions as early as possible, but not later than two months from the date of production of a certified copy of this order.

8. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.)
14.07.2026

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