



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No.1552 of 2026

17th June, 2026

Subhash Chand

.....Petitioner

Versus

State of Uttarakhand and others

.....Respondents

Presence:-

Mr. Arvind Vashistha, learned Senior Advocate assisted by
Mr. Sidhant Tiwari, learned counsel holding brief of Mr. Vivek
Pathak, learned counsel for the petitioner.

Mr. N.S. Pundir, learned D.A.G. for the State.

Hon'ble Pankaj Purohit, J.

This writ petition has been filed by the petitioner
seeking the following reliefs:-

“i. Issue a writ, order or direction in the nature
of certiorari quashing the order dated 11.05.2026,
annexure no.7 to the writ petition, passed by
District Education Officer (Primary), Haridwar,
whereby the respondents have sought to revise the
salary of the petitioners, withdraw the benefits of
the past services and effect recovery/adjustment
from the petitioner.

ii. Issue a writ, order or direction in the nature
of mandamus directing the respondent to consider
the service period between 06.02.1997 to
24.05.2025 as part of his pensionable service and
to compute and fix petitioner's pension
accordingly, and to pay the arrears with suitable
rate of interest.”

2. The facts of the case are that the petitioner was
appointed as an Assistant Teacher (Science) in Kisan
Junior High School, Kotwal Aalampur, District-Haridwar,
in the year 1997 through a duly approved selection
process. The Institution was subsequently brought under
the grant-in-aid scheme on 24.05.2005. After attaining the
age of superannuation on 30.06.2024, the petitioner sought



fixation of pension and retiral benefits by considering his entire service from the date of initial appointment.

3. According to the petitioner, similarly situated teachers had been granted such benefits by counting their pre grant-in-aid service. However, by order dated 11.05.2026, the District Education Officer (Primary), Haridwar sought to revise petitioner's service benefits and proposed recovery/adjustment of alleged excess payments by excluding the period of service rendered prior to grant-in-aid. Aggrieved thereby, the petitioner has preferred the present writ petition.

4. Learned counsel for the petitioner submitted that the petitioner was duly appointed through a regular selection process in the year 1997 and his appointment was approved by the competent educational authorities. It is contended that the services rendered by the petitioner prior to the Institution being brought under grant-in-aid cannot be ignored for the purposes of pension, selection grade and other retiral benefits, particularly when the same period had already been recognized by the department for grant of service benefits during his tenure.

5. It is further submitted that the controversy is no longer *res integra*, inasmuch as, similarly situated employees of the same institution have been extended identical benefits pursuant to judgments rendered by this Court in earlier writ petitions. Despite petitioner's case being identical, the respondents have denied him the same treatment, thereby violating Articles 14 and 16 of the Constitution of India.

6. Learned counsel also argued that the impugned order dated 11.05.2026 seeks to withdraw benefits already granted and proposes recovery after the petitioner's retirement without any allegation of fraud,



misrepresentation or concealment on his part. Such action, it is contended, is arbitrary, contrary to settled principles governing recovery from retired employees and violative of the principles of natural justice. On these grounds, it is prayed that the impugned order be quashed and the respondents be directed to reckon the petitioner's entire service from the date of his initial appointment for pensionary and retiral benefits.

7. Having heard learned counsel for the petitioner and perused the record, this Court finds that the petitioner was appointed as Assistant Teacher through a duly approved selection process in the year 1997 and continued in service till his retirement on 30.06.2024. It is not in dispute that the Institution was subsequently brought under the grant-in-aid scheme on 24.05.2005 and that the petitioner's services prior thereto had been taken into consideration by the Department for extending service benefits, including selection grade.

8. The material placed on record further demonstrates that similarly situated employees of the same Institution have been granted pensionary and retiral benefits by reckoning the period of service rendered prior to the Institution being brought under grant-in-aid. The petitioner has also relied upon earlier decisions of this Court wherein such claims were accepted and corresponding benefits directed to be extended. The respondents have not shown any distinguishing feature justifying a departure from the treatment accorded to similarly situated employees.

9. This Court is also of the view that the impugned order proposing revision of petitioner's service benefits and consequential recovery after his retirement, despite there being no allegation of fraud or misrepresentation on his



part, cannot sustain in the eyes of law. The action of the respondents is arbitrary and contrary to the principles governing pensionary benefits and equal treatment of similarly situated employees. Interim order passed by 11.05.2026, annexure no.7 to the writ petition, passed by District Education Officer (Primary), Haridwar, is set aside.

10. Accordingly, the writ petition is allowed. The respondents are directed to compute and fixed his pension considering his past service rendered w.e.f., 06.02.1997 to 24.05.2025 and to pay him the arrears.

(Pankaj Purohit, J.)

17.06.2026

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