2026:UHC:5589-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

WRIT PETTION (S/B) No. 427 of 2026

09th July, 2026

Mukesh Kumar and another -----Petitioners

Versus

State of Uttarakhand and others ----Respondents

Presence:-

Mr. Shobhit Joshi, learned counsel for the petitioners.

Mr. Rajeev Singh Bisht, learned Deputy Advocate General with Mr. S.M.S. Mehta, learned Standing Counsel for the State.

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

1. The first petitioner is stated to have been appointed as a Tube Well Operator on part time basis on 21.01.1988 and the second petitioner on 18.08.1994. The service of petitioner no.1 was regularized vide order dated 26.06.2012 and that of petitioner no.2 vide order dated 31.10.2019. The respondents have not sanctioned the pension, although, gratuity and other benefits for the services rendered after regularization have been duly paid to the petitioners. The petitioners have therefore preferred the instant writ petition claiming pension and other benefits. They have challenged the validity of the Government Order dated 16.01.2026 and the *vires* of

Uttarakhand Qualifying Service for Pension and Validation Act, 2022 and Uttarakhand Retirement Benefits Act, 2018. The petitioners are placing reliance on the judgment of Supreme Court in the case of *Prem Singh vs. State of Uttar Pradesh & Others, (2019) 10 SCC 516,* in support of their claim for pension.

2. Learned counsel for the petitioners submits that the respondents be directed to examine the claim of the petitioners and to take decision in light of the law laid down by the Supreme Court in the case of Prem Singh *(supra),* to which, counsel for the respondents has no objection.

3. Accordingly, without expressing any opinion on merits, the writ petition is disposed of with liberty to the petitioners to make fresh representation along with copy of the instant order and it is provided that in case any such representation is made within two weeks from today, the same shall be decided by the Competent Authority within next six weeks by a speaking order, and the decision taken on the representation would be communicated to the petitioners forthwith.

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

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 09.07.2026
KKS/PP