



HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA, C.J.

AND

HON'BLE SRI JUSTICE SUBHASH UPADHYAY, J.

6th August, 2026

Writ Petition (S/B) No.524 of 2026

Bishan Singh Dhapola

-----Petitioner

Versus

State of Uttarakhand and Others

----Respondents

Presence:-

Mr. Amar Murti Shukla, Mr. Rohit Kumar Gaur and Ms. Jaishree Joshi, learned counsel for the petitioner.

Mr. B.P.S. Mer and Mr. Gajendra Tripathi, learned Standing Counsel for the State.

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

1. The present Writ Petition has been filed praying for the following reliefs:-

“i. Issue a writ order or direction in the nature of certiorari quashing the impugned order dated 14.07.2026 (Annexure No. 9 Page No. 94 to 95 to the writ petition) passed by the respondent no. 2.

ii. Issue a writ order or direction in the nature of mandamus the directing the respondent no. 2 to release the monetary benefits/ difference of salary for the post of Administrative Officer w.e.f. 20.10.2011, monetary benefits/ difference of salary for the post of Senior Administrative Officer w.e.f. 01.11.2017 and monetary, benefits/difference of salary for the post of Chief Administrative Officer w.e.f. 28.12.2018 alongwith the interest at the rate of 18% per annum to the petitioner.

iii. Issue a writ order or direction in the nature of mandamus the directing the respondent no. 2 to pay Bishan Singh Dhapola the arrears of 6th Pay Commission by calculating the increment for the period 2008, 2009 and 2010 alongwith the interest at the rate of 18% per annum to the petitioner.

iv. Issue a writ order or direction in the nature of mandamus the directing the respondent no. 2 to pay the salary of suspension period commencing from 2007 to 19.10.2011 alongwith the interest at the rate of 18% per annum to the petitioner”.

2. The brief facts of the case are that the petitioner by Claim Petition No.90/NB/DB/2020, filed before the



Uttarakhand Public Service Tribunal, Bench at Nainital sought a direction to the respondents to extend to him the benefit of promotion to the post of Administrative Officer w.e.f. 2008, Senior Administrative Officer w.e.f., 2011 and Chief Administrative Officer w.e.f., 2018, and also to extend to him the benefits of ACP and arrears of salary during the period of suspension as well as LTC and other monetary benefits. The claim petition was disposed of with the observation that since other Claim Petition No.56/NB/DB/2019, filed by the petitioner challenging the punishment order had already been allowed, therefore, the respondents would hold DPC for the post of Administrative Officer, Senior Administrative Officer and Chief Administrative Officer and consider the petitioner for promotion from the date of his juniors were promoted. The Tribunal further directed for determining the salary of the petitioner during the period of suspension in terms of Para 54-B of the Financial Handbook, Vol. 2 to 4. The order of the Tribunal dated 05.10.2021 passed on the claim petition of the petitioner was challenged by the State in writ petition, but it was ultimately dismissed by this Court by order dated 08.04.2026. At the same time, the petitioner was permitted to approach the Competent Authority by making representation regarding his pending claims with further direction to the Competent Authority to decide the



same within four months. In pursuance thereof, the petitioner made representation to the Competent Authority, which has now been decided by the impugned order dated 14.07.2026, whereby some of the claims have been accepted while others have been rejected.

3. We are of the considered opinion that the petitioner has efficacious alternative remedy of challenging the impugned order before the Public Service Tribunal, therefore, we decline to examine the challenge and relegate the petitioner to the said remedy.

4. It is further provided that, in case, the petitioner avails the said remedy, the Public Service Tribunal shall make every endeavour to decide the claim expeditiously.

5. Accordingly, the writ petition stands disposed of.

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

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 06.08.2026
KKS/PP