



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No.2343 of 2025

06th July, 2026

Kusum Rawat and others

.....Petitioners

Versus

State of Uttarakhand and others

.....Respondents

With

Writ Petition Service Single No.2346 of 2025

Writ Petition Service Single No.2347 of 2025

Writ Petition Service Single No.2348 of 2025

Writ Petition Service Single No.2349 of 2025

Writ Petition Service Single No.2351 of 2025

Writ Petition Service Single No.2352 of 2025

Writ Petition Service Single No.2353 of 2025

Presence:-

Mr. Bhagwat Mehra, learned counsel for the petitioners.

Mr. Narayan Dutt, learned S.C. for the State.

Hon'ble Pankaj Purohit, J.

These writ petitions have been filed by the petitioners claiming the pay parity with the Lab/X-Ray Technicians working in the same Department.

2. Since common question of fact and law are involved in these writ petitions, therefore all these writ petitions are being decided by this common judgment, however for the sake of brevity only the facts of WPSS No.2343 of 2025, *Kusum Rawat and others Vs. State of Uttarakhand and others*, are alone being considered.

3. Facts of the case are that petitioners were appointed in the Medical Health and Family Welfare Department on different dates on the post of Lab Technician on pay scale of ₹4000-100-6000. Petitioners have filed this writ petition claiming parity with the Lab/X-



Ray Technician working in the same Department whose pay scale was revised to ₹4500-7000 after Vth Pay Commission and later on the same was revised to ₹5200-20,200 (Grade Pay ₹2800) after VIth Pay Commission. Salary of the other X-Ray Technician and Dental Hygienist was upgraded to ₹9,300-34,800 (Grade Pay ₹4200/- from 01.09.2010 and 15.04.2010) respectively in the Department, but salary of the petitioners were not upgraded.

4. Feeling aggrieved some of the petitioners filed a Writ Petition (S/S) No.811 of 2013, *Pawan Kashyap and others Vs. State of Uttarakhand and others*. The said writ petition was allowed by Co-ordinate Bench of this Court vide judgment and order dated 04.06.2014, whereby rejection for claiming the upgradation was quashed and further a writ of mandamus was issued to the respondent commanding them to pay the scale of ₹9,300-34,800 (Grade Pay ₹4200/-) to the petitioners of that writ petition as being paid to other Technicians in the other Government Hospital w.e.f., 15.04.2010 from the date on which it was given to the Dental Hygienist, however the said judgment was challenged by the State Government by filing a SPA No.43 of 2015, *State of Uttarakhand and others Vs. Pawan Kashyap and others*.

5. Since in the SPA no interim order was passed in favour of the respondent-State, the respondent-State complied the order passed by learned Single Judge on 04.06.2014 and passed an order on 17.12.2015, whereby the benefit of the judgment of learned Single Judge was extended to the petitioners-Pawan Kashyap and others subject to final disposal of the SPA, however the upgradation was granted to the petitioners of that writ petition as well as other similarly situated persons with



immediate effect i.e., 17.12.2015. Subsequently SPA No.43 of 2015 was dismissed as infructuous on the contention made by learned State counsel that due to subsequent development the same has rendered infructuous, vide order dated 26.09.2018.

6. In the meantime, the condition of the Government Order dated 17.12.2015 was challenged by similarly situated persons in a Writ Petition (S/S) No.1733 of 2016, *Madhav Prasad Dobhal and another Vs State of Uttarakhand and others*. The said writ petition came to be decided by Co-ordinate Bench of this Court vide judgment and order dated 07.07.2022, whereby the petitioners of that writ petition were found eligible to get the upgradation w.e.f., 15.04.2010 as decided by Co-ordinate Bench of this Court earlier in Writ Petition (S/S) No.811 of 2013, *Pawan Kashyap and others Vs. State of Uttarakhand and others* vide judgment and order dated 04.06.2014.

7. The aforesaid judgment and order dated 07.07.2022 was challenged straightway in SLP (C) No.9492 of 2023, *State of Uttarakhand Vs. Madhav Prasad Dobhal and another*. The said SLP was disposed of by the Apex Court directing the petitioner to avail the remedy of SPA before the High Court, vide judgment and order dated 25.03.2025.

8. The State challenged the judgment and order dated 07.07.2022, passed in Writ Petition (S/S) No.1733 of 2016, *Madhav Prasad Dobhal Vs State of Uttarakhand and others*, by filing a SPA No.79 of 2025. The said SPA came to be dismissed by the Division Bench of this Court on 29.04.2026 and the orders passed in Writ Petition (S/S) No.1733 of 2016, *Madhav Prasad Dobhal Vs State of Uttarakhand and others*, has been affirmed and the grant of upgradation to the petitioners of that writ petition was



upheld to be paid w.e.f., 15.04.2010.

9. Learned counsel for the petitioners submits that the controversy involved in the present set of writ petitions are squarely covered by the judgment and order rendered by Co-ordinate Bench of this Court in Writ Petition (S/S) No.1733 of 2016, *Madhav Prasad Dobhal Vs State of Uttarakhand and others*, and therefore the same relief which has been granted to *Madhav Prasad Dobhal and another* be also extended to the petitioners.

10. Learned counsel for the State was directed to seek instructions by this Court in the matter as to whether the matter is squarely covered by the judgment and order passed by Co-ordinate Bench of this Court and Division Bench in Writ Petition (S/S) No.1733 of 2016, *Madhav Prasad Dobhal Vs State of Uttarakhand and others*.

11. Learned counsel for the State submits that though the matter is covered but the judgment rendered by Division Bench of this Court in SPA No.79 of 2025, *State of Uttarakhand Vs. Madhav Prasad Dobhal and another*, is challenged in SLP (Diary No.37878 of 2026).

12. The SLP has yet not been registered as regular SLP and merely by filing an SLP it cannot be said that the relief which has been granted to the similarly situated persons in *Madhav Prasad Dobhal and Pawan Kashyap and others*, be denied to the petitioners.

13. Since the question involved in these writ petitions are squarely covered by the judgment and order passed by this Court in *Madhav Prasad Dobhal and Pawan Kashyap and others* case, the same benefit is extended to the petitioners.

14. Accordingly all the writ petitions stands allowed. Respondent nos.1 and 2 are directed to grant benefit of upgradation to the petitioners Pay Scale of ₹9,300-34,800



(Grade Pay ₹4200/- w.e.f., 15.04.2010). The said exercise be completed within a period of two months from the date of production of certified copy of this order.

(Pankaj Purohit, J.)

06.07.2026

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