HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1759 of 2024 (S/S)

Laxman Chand .....Petitioner

Vs.

Uttarakhand Transport Corporation, Dehradun and another ..... Respondents

Present : Mr. K.K. Harbola, Advocate for the petitioner.
Mr. Ashish Joshi, Advocate for the respondents appeared through video conferencing.

JUDGMENT

Hon'ble Ravindra Maithani, J. (Oral)

By means of the instant petition, the petitioner seeks the following reliefs:-

"i) To declare the action of the Respondents in reducing the amount of gratuity, leave encashment and other retiral dues allegedly on the basis of audit report, as arbitrary and illegal.

ii) Issue a writ, order or direction in the nature of certiorari to call for record and quash the impugned order number 1330 dated 27.09.2021 by which the total amount of Rupees 4,93,329/- has been recovered from the retiral dues of the petitioner.

iii) Issue a writ order or direction in the nature of mandamus directing the respondents to forthwith release the withheld/adjusted amount from the retrial dues of the petitioner, along with interest in view the law settled by the Hon'ble Apex Court as well as this Hon'ble Court or in alternate pass any appropriate orders keeping in view of the facts highlighted in the body of the petition or mold the relief appropriately.

iv) Issue any other suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

v) To award the cost of the writ petition in favor of the petitioner."

2. Heard learned counsel for the parties and perused the record.

3. At the very outset, learned counsel for the petitioner would submit that the matter is squarely covered by the judgment dated 04.04.2024, passed by the Division Bench of this Court in Special Appeal No.245 of 2022, Managing Director, Uttarakhand Transport Corporation, Dehradun and others vs. Ashok Kumar Saxena; and connected cases.

4. Learned counsel for the respondents admits this fact.

5. The matter is covered, therefore, instant petition is decided in terms of the judgment dated 04.04.2024, passed by the Division Bench of this Court in Special Appeal No.245 of 2022, Managing Director, Uttarakhand Transport Corporation, Dehradun and others vs. Ashok Kumar Saxena; and connected cases.

(Ravindra Maithani, J.)
03.10.2024

Sanjay