2026:UHC:10254

Judgment reserved on: 07.10.2026
Judgment delivered on: 05.11.2026

HIGH COURT OF UTTARAKHAND AT NAINITAL

05 November, 2026

1. **Writ Petition Service Single No. 897 of 2024**

Rajendra Singh Negi --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

2. **Writ Petition Service Single No. 1081 of 2024**

Rajpal Singh Negi --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

3. **Writ Petition Service Single No. 1082 of 2024**

Rajendra Shah --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

4. **Writ Petition Service Single No. 1083 of 2024**

Yatendra Singh Rana --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

5. **Writ Petition Service Single No. 1088 of 2024**

Surendra Ram --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

6. **Writ Petition Service Single No. 1092 of 2024**

Damodar Prasad Purohit --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

7. **Writ Petition Service Single No. 1109 of 2024**

Tikendra Singh --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

8. **Writ Petition Service Single No. 1180 of 2024**

Jagatram Bhatt --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

9. **Writ Petition Service Single No. 1198 of 2024**

Sohan Singh --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

10. **Writ Petition Service Single No. 1199 of 2024**

Jalam Singh Rawat --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

11. **Writ Petition Service Single No. 1205 of 2024**

Manohar Singh --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

12. **Writ Petition Service Single No. 1589 of 2024**

Shiv Singh --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

13. **Writ Petition Service Single No. 1590 of 2024**

Anusuya Prasad Naugain --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

14. **Writ Petition Service Single No. 1593 of 2024**

Vipin Chandra Mishra --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

15. **Writ Petition Service Single No. 1594 of 2024**

Pushkar Singh Bisht --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

16. **Writ Petition Service Single No. 1595 of 2024**

Bhagwati Prasad Purohit --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

17. **Writ Petition Service Single No. 1596 of 2024**

Pramod Kumar Nawani --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

18. **Writ Petition Service Single No. 1610 of 2024**

Pushkar Singh Bhandari --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

19. **Writ Petition Service Single No. 1725 of 2024**

Chandan Singh --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

20. **Writ Petition Service Single No. 1728 of 2024**

Sukhbir Singh --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

21. **Writ Petition Service Single No. 1816 of 2024**

Hemant Kumar Bahuguna --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

22. **Writ Petition Service Single No. 1820 of 2024**

Chandra Mohan Dwivedi --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

23. **Writ Petition Service Single No. 1825 of 2024**

Radha Rawat --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

24. **Writ Petition Service Single No. 1826 of 2024**

Deveshwari Rawat --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

25. **Writ Petition Service Single No. 1827 of 2024**

Raghubir Lal --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

26. **Writ Petition Service Single No. 1833 of 2024**

Prakash Chandra --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

27. **Writ Petition Service Single No. 2172 of 2024**

Bakhtawar Singh --Petitioner

Versus

State Of Uttarakhand and Others --Respondents

Presence:-

Mr. Tapan Singh, learned counsel for petitioner(s).

Mr. Rahul Verma, learned A.A.G. for the State of Uttarakhand.

Hon'ble Pankaj Purohit, J. (Oral)

Since common question of law and facts are involved in these writ petitions, hence, they are being taken

up together and are being decided by this common judgment. However, for the sake of brevity, the facts of WPSS No.897 of 2024 are taken into consideration alone.

2. In writ petition No.897 of 2024, petitioner has challenged the order dated 14.05.2024 passed by respondent No.4 (Annexure No.8) and further prayed for a direction to respondents to re-fix the pay of petitioner in the pay scale of ₹14430/- (₹10230+₹4200), fixed as vide order dated 07.07.2013 from 10.05.2006, re-fix the pension of petitioner, and also to pay the difference of salary and pension and also pay the amount, which was recovered by the respondents from petitioner along with 18% interest.

3. The facts of the case are that petitioner was appointed as a Constable in the Police Department on 10.05.1982 and, during the course of his service, was granted the benefit of pay fixation under the recommendations of the Sixth Pay Commission. Pursuant to the Government Orders dated 17.10.2008 and 13.02.2009, petitioner's pay was fixed in the pay structure of ₹10,230–4,200–14,430 by the departmental order dated 07.07.2013, after taking into consideration the option submitted by him. Subsequently, by order dated 31.03.2022, the respondent authorities reduced the petitioner's pay to ₹9,300–4,200–13,500, thereby withdrawing the benefit of the earlier pay fixation. Aggrieved thereby, the petitioner approached this Court by filing Writ Petition No.527 of 2023 (S/S). The said writ petition was disposed of by this Court vide judgment dated 05.01.2024, whereby, the earlier order of reduction was set aside and the respondent authorities were directed to reconsider the matter after affording an opportunity of hearing to the petitioner.

4. In compliance with the aforesaid directions, the petitioner was issued a notice dated 06.04.2024, pursuant to which he submitted his representation dated 12.04.2024. However, upon reconsideration, the respondent authorities,

vide order dated 14.05.2024, maintained the reduction of the petitioner's pay in the scale of ₹9,300–4,200–13,500. Aggrieved by the said order, the petitioner has preferred the present writ petition seeking its quashing and restoration of his pay in the earlier scale, along with consequential benefits.

5. Learned counsel for petitioner submits that controversy involved in the present writ petition is squarely covered by the judgment dated 13.08.2021 passed by Coordinate Bench of this Court in Writ Petition (S/S) No.609 of 2020 *Ramchandra Tomar vs. State of Uttarakhand and Others*, and connected matters, wherein, the claim of similarly situated employees for fixation of pay under the Government Order dated 17.10.2008 was considered and allowed. It is further submitted that the issue had earlier been considered in Writ Petition (S/S) No.2876 of 2017 *Rai Singh Negi v. State of Uttarakhand,* wherein, the entitlement of employees, who had exercised their options under the aforesaid Government Order was recognized. State challenged the said judgment in Special Appeal No.148 of 2019, which was decided on 02.04.2019, whereby, the Division Bench declined to interfere with the finding regarding entitlement, while directing the authorities to undertake individual pay calculations after issuing notices and considering the objections of the concerned employees. The connected Special Appeal No.262 of 2019, arising out of the matter of ***Ramchandra Tomar (supra)***, was also disposed of on 04.04.2019 in terms of the aforesaid decision.

6. Learned counsel for petitioner further submits that the judgment dated 13.08.2021 in ***Ramchandra Tomar (supra)*** was also implemented by the Department itself. In this regard, reliance is placed upon the order dated 27.12.2021 issued by the Commandant, 40th Battalion PAC, Haridwar, whereby the pay of similarly situated employees was fixed in the pay structure of ₹10,230–4,200–14,430 with

effect from 01.01.2006. It is contended that the petitioner, being similarly situated, cannot be denied the same benefit. It is further pointed out that the petitioner's own pay had already been fixed in the aforesaid higher pay structure vide departmental order dated 07.07.2013, after consideration of the option exercised by him under the relevant Government Orders. Having extended the benefit to the petitioner, the respondents could not subsequently reduce his pay to ₹9,300–4,200–13,500 without valid justification. Accordingly, the impugned order dated 14.05.2024 is assailed as being arbitrary and contrary to the aforesaid judicial pronouncements.

7. Per contra, learned State counsel submits that the petitioner was not entitled to fixation of his pay in the higher pay structure, as he had failed to exercise the requisite option within the prescribed period under the applicable Government Orders. It is contended that the petitioner submitted his option only on 10.09.2016, much beyond the stipulated time, and therefore, he could not claim the benefit of the higher pay structure on the basis of such belated option. The impugned order dated 14.05.2024 was passed after affording an opportunity of hearing to the petitioner and considering his representation, in compliance with the directions issued by this Court in the earlier writ petition. It is, therefore, contended that the impugned order does not suffer from any illegality or infirmity warranting interference by this Court.

8. Having heard learned counsel for the parties and upon perusal of the material available on record, the principal question which arises for consideration is whether the respondents were justified in reducing the petitioner's pay from ₹10,230–4,200–14,430 to ₹9,300–4,200–13,500, despite its earlier fixation in the higher pay structure by the departmental order dated 07.07.2013. The controversy

regarding entitlement of similarly situated police personnel to the benefit of the revised pay structure under the Government Order dated 17.10.2008 has already been considered by this Court in Writ Petition (S/S) No.2876 of 2017 *Rai Singh Negi v. State of Uttarakhand*, decided on 27.09.2018. The said judgment was challenged by the State in Special Appeal No.148 of 2019, which was disposed of on 02.04.2019, without interference with the finding regarding the employees' entitlement, while directing individual consideration of their pay fixation. The connected Special Appeal No. 262 of 2019 was also disposed of on 04.04.2019 in terms of the aforesaid decision. Subsequently, this Court, in Writ Petition (S/S) No. 609 of 2020 *Ramchandra Tomar v. State of Uttarakhand and Others*, and connected matters, decided on 13.08.2021, considered the same controversy and granted relief to the employees concerned. The said judgment of the Coordinate Bench has not been shown to have been stayed or set aside by any superior Court and, therefore, continues to hold the field.

9. It is further evident from the material placed on record that the Department acted upon the judgment dated 13.08.2021. The Police Headquarters issued an order dated 25.12.2021 in reference to the said judgment, and the subsequent departmental records demonstrate that the benefit of the revised pay structure was extended to similarly situated personnel. This conduct of the Department lends support to the petitioner's contention that the benefit flowing from the aforesaid judgment was implemented in respect of similarly situated employees. In the present case, the petitioner's pay had already been fixed in the higher pay structure of ₹10,230–4,200–14,430 by the departmental order dated 07.07.2013, after taking into consideration his option under the relevant Government Orders, including the Government Order dated 13.02.2009. The respondents, however, seek to justify the subsequent reduction on the

ground that the petitioner had submitted his option only on 10.09.2016. This stand is difficult to reconcile with the petitioner's own pay-fixation order of 2013. The respondents have failed to satisfactorily explain how the petitioner's option could have been considered and his pay fixed in the higher structure in 2013, if the option had been submitted for the first time only in 2016. Further, the impugned order does not satisfactorily deal with the effect of the aforesaid departmental order or the judgment in ***Ramchandra Tomar (supra)***, despite the specific reliance placed upon them by the petitioner.

10. In these circumstances, this Court finds that the respondents have failed to establish any cogent or legally sustainable ground for reducing the petitioner's pay, particularly when his entitlement had already been recognized by the Department through the order dated 07.07.2013 and the controversy concerning similarly situated employees stands covered by the judgment in ***Ramchandra Tomar (supra)***. Consequently, the impugned order dated 14.05.2024 is unsustainable in law and is liable to be quashed.

11. Accordingly, all the writ petitions are allowed. The impugned order(s) in all these writ petitions are quashed. The respondents are directed to restore and re-fix the pay of petitioners in all the writ petitions in pay structure of ₹10,230–4,200–14,430, with all consequential service benefits, including revision of pension, as admissible under law.

12. Pending application(s), in all the writ petitions, if any, stands disposed of.

(**Pankaj Purohit, J**.)
05.11.2026

PN
PREETI NEGI