



2026:UHC:4003

HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE SRI JUSTICE MANOJ KUMAR TIWARI

Writ Petition Service Single No. 144 of 2024

21 May, 2026

Dr. Mahendra Pal Singh Grewal	--Petitioner
Versus	
State of Uttarakhand & others	--Respondents

Presence:-

There is no representation for the petitioner.

Mr. K.N. Joshi, Deputy Advocate General for the State of Uttarakhand.

JUDGMENT

Petitioner was appointed as Assistant Teacher in A.N. Jha, Government Inter College, Rudrapur in the year 1986 for teaching Punjabi language, however, he thereafter accepted appointment as Professor (Hindi) in Sri Gurunanak Khalsa Degree College, Ganganagar (Rajasthan) w.e.f. 18.11.1988, without resigning from the post of Assistant Teacher in A.N. Jha, Government Inter College, Rudrapur.

2. According to petitioner, he served as Professor at Ganganagar till 27.11.1995 and thereafter he re-joined duties in A.N. Jha, Government Inter College, Rudrapur on 07.03.1996. Petitioner retired from service after attaining age of superannuation on 31.03.2006.

3. By means of this writ petition, petitioner has sought the following reliefs:



“(i) To issue a writ, order or direction in nature of mandamus directing the respondents to grant the pension to the petitioner for his complete service, along with 12% interest, for the delayed payment, from the date of his superannuation till the date of actual payment for the delayed payment.

(ii) To issue a writ, order or direction in the nature of mandamus directing the respondents to give the retiral benefits to the petitioner for his complete service, along with 12% interest, for the delayed payment, from the date of his superannuation till the date of actual payment for the delayed payment.”

4. A counter affidavit is filed by Mr. Daya Shaknagar Pandey on behalf of respondent nos. 2 & 3. Para no. 3 of the said counter affidavit is reproduced below:-

“3. That the petitioner was appointed in the office of District Inspector of School Nainital vide order no. 9 dated 2.8.1986 in CT cadre as Assistant Teacher (Punjabi). The petitioner has joined in Government Inter College, Rudrapur, Nainital on 7.8.1986. The petitioner after his first appointment on 7.8.1986 to 28.8.1988 has posted as Assistant Teacher in Government Inter College, Rudrapur, Nainital. The petitioner after his total services from 5.1.1988 to 30.4.1988 (total 1 month 7 days) was on leave without pay and from 8.7.1988 to 4.8.1988 (total 28 days) was on medical leave.

During appointment as Assistant Teacher, the petitioner without taking permission from department, the petitioner has worked as Lecturer (Hindi) in Government Inter College Gadarpur from 5.1.1988 to 30.4.1988 on part time basis. It is further submitted that from 18.11.1988 to 27.11.1995 the petitioner has worked in Shri Guru Nanak Khalsa Degree College Ganganagar, Rajasthan. In this regard the petitioner has never applied for no objection certificate. The petitioner from 28.8.1988 to 6.3.1996 was absent from Government Inter College Rudrapur Nainital without any permission and information to department. As per office record of the school, the warning letter was issued to petitioner on 29.7.1992 despite that the petitioner has not joined in Government Inter College Rudrapur Nainital.

On 8.3.1996 the Additional Education Director, Kumaun Division, Nainital due to mistake has given



promotion to petitioner on Assistant Teacher LT Grade, but due to long absent from department finally the promotion of the petitioner was cancelled. The District Inspector of School Nainital vide letter no. 2/93 dated 15.4.1996 on the ground that the petitioner is absent till 10.8.1992 as well as absent from 28.8.1988 to 6.3.1996 there was not provision to sanction leave for 8 years. The services of the petitioner were terminated.

Against termination order dated 15.4.1996 the petitioner has filed a petition no. 416/1997 before Hon'ble Public Services Tribunal, Uttar Pradesh. After creation of the State of Uttarakhand, the petitioner was transferred and the Public Services Tribunal vide order dated 1.6.2011 passed following order in the matter of petitioner:-

"The petition is allowed. Opposite parties are directed to pay the petitioner regular salary w.e.f. of 08-03-1996 till the age of superannuation of the petitioner of the post of Assistant Teacher in Punjabi in the pay Scale of Rs 1350-2070 as revised from time to time along with all consequential benefits. No order as to Costs."

Thereafter the State Government has filed a writ petition against decision passed by Hon'ble Public Service Tribunal titled as Writ Petition No. 58/2012. Vide order dated 6.12.2016 the Hon'ble High Court dismissed the Special Appeal of the State Government and confirmed the order passed by Hon'ble Tribunal dated 1.6.2011, thereafter in compliance of the order passed by the Public Service Tribunal as well as the order passed by Hon'ble High Court of Uttarakhand, the department has paid salary of the petitioner for the period of 8.3.1996 to 31.3.2004 (Rs. 9,79,937/-).

The petitioner again filed a Claim Petition No. 25/DB/2018, Dr. Mahendra Pal Singh Grewal Vs State of Uttarakhand & others by which the petitioner has prayed before Public Services Tribunal that to issue a writ, order or direction to the respondents to pay all the retiral benefits to petitioner as such pension from 1.4.2006 to till date and future pension, gratuity, commutation of pension, GPF, leave encashment, GIS and other benefits, which are payable to petitioner on the date of his superannuation along with 18% interest per annum from 1.4.2006 till the date of actual payment. The Hon'ble Public Service Tribunal vide order dated 3.8.2018 allowed the petition of the petitioner.

The petitioner has filed the Execution



Application before Hon'ble Public Service Tribunal, in compliance of that the Chief Treasury Officer Udham Singh Nagar vide letter no. 337 dated 9.12.2019 paid all retiral benefits, pension, gratuity, GPF and earned leave of the petitioner. The petitioner has annexed Annexure No.3 before Hon'ble Public Service Tribunal and in Annexure-3 annexed before Public Service Tribunal the petitioner has admitted that the pension gratuity matter of the petitioner has been decided. The petitioner has filed present writ petition for granting 12% interest on the payment of gratuity and pension as the petitioner has been granted the benefit of retiral dues and pension so the petition of the petitioner is liable to be dismissed."

5. Learned State Counsel submits that whatever was due to petitioner, has been paid. He refers to the application submitted by petitioner before Public Service Tribunal, which is enclosed as Annexure-3 to the counter affidavit of respondent nos. 2 & 3. Perusal of said document reveals that petitioner stated that the issue of payment of his pension/gratuity is resolved, therefore, the case pending before learned Public Service Tribunal may be closed. Learned State Counsel submits that the said application was submitted by petitioner when all his pending dues were paid to him.

6. This Court *vide* order dated 04.05.2026 granted time to learned senior counsel appearing for petitioner to get clear instructions regarding the document enclosed as Annexure CA-3 to the counter affidavit.

7. Today, there is no representation for the petitioner.

8. Since petitioner himself submitted application before Public Services Tribunal stating that the issue regarding pension and gratuity with the department



has been resolved, therefore, he cannot later turn-around for staking claim for pension for the entire period, in disregard of the fact that he served at Ganganagar during the interregnum. In last sub para of para no. 3 of the counter affidavit, filed on behalf of respondent nos. 2 & 3 also, it is stated that pension-gratuity matter of the petitioner was settled, therefore, writ petition filed by petitioner is liable to be dismissed. The averment made in para 3 of the counter affidavit remains un-rebutted. Thus, this Court has no other option, but to accept the averment made in para 3 of the counter affidavit as correct

9. Even otherwise also, petitioner cannot be given pension for the entire length of service i.e. between 1986 till 2006, when he did not render any service in A.N. Jha Government Inter College, Rudrapur for more than seven years.

10. Learned State Counsel submits that petitioner is being paid pension for the entire period he served in A.N. Jha Inter College i.e., eleven years nine months and sixteen days.

11. In view of the aforesaid facts, the relief, as claimed by petitioner, cannot be granted. The writ petition thus fails and is dismissed. There shall be no order as to costs.

(Manoj Kumar Tiwari, J.)

Dt: 21ST May, 2026

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