

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	25.03.2026		<p><u>WPSB No.172 of 2026</u> Gyan Prakash Tiwari & Ors. --Petitioners Versus State of Uttarakhand & Ors. --Respondents</p> <p><u>Hon'ble Manoj Kumar Gupta, C. J.</u> <u>Hon'ble Subhash Upadhyay, J.</u></p> <p>1. Ms. Anupriya Kukreti, learned counsel for the petitioners.</p> <p>2. Mr. Sachin Mohan Singh Mehta, learned Brief Holder for the State.</p> <p>3. The submission of learned counsel for the petitioners is that the petitioners were getting pension after retirement but abruptly the impugned order came to be passed and on basis of which their pension has been stopped. It is urged that the impugned order has been passed without any show cause notice or opportunity of hearing to the petitioners. He submits that in identical facts and circumstances in WPSB No.51/2026 an interim order has been granted by this Court.</p> <p>4. Learned counsel for the petitioners further submits that the judgment in "<i>Uday Pratap Thakur and another vs. State of Bihar and others</i>" and other connected matters, 2023 AIR (SC) 2971 by a Two-Judge Bench of Hon'ble Supreme Court was considered by Hon'ble Supreme Court in subsequent judgment in "<i>State of Odisha and others vs. Sudhansu Sekhar Jeena</i>" and other connected matters, 2025 SCC Online SC 385, wherein it has been observed as follows: -</p> <p style="padding-left: 40px;"><i>"13. In our respectful opinion, the above interpretation by the two Judge Bench of this Court</i></p>

regarding the three Judge Bench decision in Prem Singh (supra) does not appear to be correct as the three Judge Bench has been quite ambiguous in asserting that the entire period of service of the work-charged employees has to be counted for pension."

5. It is further submitted that the provisions of Uttarakhand Qualifying Service for Pension and Validation Act, 2022 insofar as it seeks to deny benefit of pension to work-charged employees amounts to retrospective overruling by the Legislature and similar provision made by State of U.P. has been read down by Allahabad High Court and by the Hon'ble Supreme Court in Writ –A No.731 of 2024 "*Jai Ram Sharma vs. State of U.P.*" and other connected matters.

6. The matter requires consideration.

7. As the vires of the Validation Act, 2022 is under challenge, therefore, let notice be issued to learned Advocate General.

8. Counter affidavit be filed by the respondents within four weeks.

9. List along with WPSB No.44/2026, WPSB No.45/2026, WPSB No.47/2026 and WPSB No. 48/2026.

10. Having regard to the facts of the case and the submissions made, the effect and operation of the impugned order/office memorandum dated 16.01.2026 shall remain stayed, till the next date of listing.

(Subhash Upadhyay, J.)

25.03.2026

(Manoj Kumar Gupta, C.J.)

25.03.2026