

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL
Special Appeal No. 330 of 2013

State of Uttarakhand and othersAppellants.
Versus
Balwant Singh and othersRespondents
With
Special Appeal No. 523 of 2013

State of Uttarakhand and othersAppellants.
Versus
Chandra Shekhar Singh and othersRespondents

Mr. Pradeep Joshi, Standing Counsel for the appellants / State.
Mr. J.S. Bisht, Advocate for the respondents.

Hon'ble Alok Singh, J.
Hon'ble Servesh Kumar Gupta, J.

It is stated that in the connected SPA No. 523 of 2013, delay has already been condoned vide order dated 28.03.2014. Learned counsel for the respondents has no serious objection, if delay in filing appeal is condoned. For the reasons stated, delay in filing appeal is condoned. CLMA No. 10031 of 2013 stands disposed of accordingly.

Both these appeals are preferred assailing the judgment dated 20th November, 2012, passed by the learned Single Judge of this Court.

We have heard learned counsel for the parties and have carefully perused the record.

Petitioners applied for the post of Assistant Teachers in Government Primary Schools and were interviewed on 28.09.2005 and were selected vide order dated 29.09.2005. Thereafter, Government was pleased to issue Government Order dated 25.10.2005 making

provision therein that government servants would not be entitled for regular pension, however, would only be entitled for contributory pension scheme w.e.f. 01.10.2005.

Undisputedly, when petitioners applied for the post, old pension scheme was in existence, therefore, petitioners had every reasonable expectation that they would be governed by the service conditions prevailing on the date posts were advertised and recruitment process was commenced. In our considered view, service conditions, prevailing on the date recruitment process commenced, cannot be permitted to be altered in disadvantage of the recruitees. Moreover, in our considered opinion, Government Order dated 25.10.2005 is prospective in nature and cannot be made applicable retrospectively for the persons who had applied for the post prior to 25.10.2005. Therefore, we do not find any reason to take contrary view to the view taken by the learned Single Judge.

Consequently, both the appeals fail and are hereby dismissed.

(Serves Kumar Gupta, J.) (Alok Singh, J.)

26.06.2014