



2025:UHC:10973

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>WPSS/2309/2023</u> <u>With</u> <u>WPSS/1515/2025</u> <u>WPSS/1528/2023</u> <u>WPSS/2310/2023</u> <u>WPSS/2344/2023</u> <u>WPSS/2345/2023</u> <u>WPSS/24/2024</u> <u>WPSS/32/2024</u> <u>WPSS/37/2024</u> <u>WPSS/82/2024</u> <u>WPSS/209/2024</u> <u>WPSS/489/2024</u> <u>Hon'ble Manoj Kumar Tiwari, J</u></p> <p>1. Mr. Abhijay Negi, Mr. Vinod Fulara, Ms. Sudha Tamta, Mr. Hem Chandra Joshi and Mr. Gulshan Pandey, Advocate holding brief of Mr. Rahul Adhikari, Advocates for the petitioners.</p> <p>2. Mr. D.K. Bankoti, learned Brief Holder for the State of Uttarakhand.</p> <p>3. Mr. Yashpal Singh, Advocate holding brief of Mr. Neeraj Garg, learned counsel for the respondent-UPNL.</p> <p>4. Since common questions of fact and law are involved in these petitions, therefore, these petitions are clubbed together and decided by this common judgment. However, for the sake of brevity and convenience, facts of WPSS No. 2309 of 2023 alone are being considered and discussed.</p> <p>5. Petitioners in WPSS No. 2309 of 2023 were engaged through outsourcing in different divisions of Uttarakhand Forest Department. The reliefs, sought in the writ petition, are as follows: -</p> <p>i) Issue writ order or direction in the nature of Mandamus to command the respondent Uttarakhand Forrest Department to act upon the Government Order No. 1285 of 2023 dated 09.11.2023 (Annexure 9), vide which the state</p>



			<p>government has informed the Head of Forest Force (HoFF) in the government of Uttarakhand with regard to the creation of 1113 posts and has directed that for further posts/restructuring of the Forest Department, the amended proposal be sent to the state government at the earliest.</p> <p>ii) Issue writ order or direction in the nature of mandamus to command the respondent Uttarakhand Forest Department to continue extending the benefit of the Government Order No. 1284 of 2023 dated 09.11.2023 (Annexure 10), vide which it was specifically noted that there are a total of 2187 persons currently serving in the Uttarakhand Forest Department via outsource mechanism whose arrears of salary were directed to be cleared till October, 2023.</p> <p>iii) Issue a writ order or direction in the nature of mandamus to command the Uttarakhand Forest Department to abide by Clause 4 of the Government Order dated 20.12.2006, (Annexure 2) vide which the aspect of outsourcing services was specifically recognized within the structure of the Uttarakhand Forest Department.</p> <p>iv) Issue a writ order or direction in the nature of certiorari to quash the Government Order dated 18.07.2023 (Annexure 7) as being contrary to the Government Order dated 27.04.2018 (Annexure 3) and being arbitrary whimsical and contrary to public law.</p> <p>v) Issue a writ order or direction in the nature of certiorari to quash the decision dated 17.11.2023 (Annexure 11) as taken by a High-level committee of the Uttarakhand Forest Department, wherein an arbitrary decision has been taken contrary to the Government Order dated 20.12.2006 (Annexure 2), vide which the Forest Department was restructured, and a blanket direction has been issued for removing persons who have come via outsource channel.</p> <p>6. In sum and substance, the grievance of petitioners in all these petitions is that there engagement was discontinued only on the ground that there was a change in the salary head from which their wages were being drawn.</p> <p>7. Coordinate Bench has passed an order on 08.01.2024, after hearing the version of Senior Officers of Forest Department, including Principal Chief Conservator of</p>
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Forest (HoFF). Relevant para of the said order are extracted below: -

13. From conjoint reading of the said two government orders, it appears that the payment which is to be made to the petitioners should be made under the head of 08 Standard Head as annexed to the Government Order dated 25.10.2019. Difficulty which the respondent-Department is facing that the payment from this Head can only be made to those persons, who have been engaged on contract or outsourcing agency like UPNL and PRD against the regular and sanctioned post.

14. This Court is not impressed by the reasoning which has been offered by the respondent-Department as well as the learned State counsel, for the reason that it is admitted by the Officers, who are present through video conferencing, that these petitioners have been engaged with the respondent-Department through different channels, including outsourcing agency, on account of their requirement in the department and it is also admitted by the Officers, appearing through video conferencing, that requirement of these persons are still there in the Forest Department.

15. The only glitch which this Court can comprehend, is with regard to the fact that since they have not been engaged against the sanctioned and regular posts, there is difficulty with the respondent-State and the Department for making payment to them under Head 08 which is meant for such employees. But fact of the matter is this, they have been paid since long even before the Government Order dated 18.07.2023.

16. Keeping in view the fact that service of the petitioners are still required and the only difference lies with the mode of payment to the petitioner, this Court is of the view that till the writ petition is decided on merit, petitioners service shall not be dispensed with, accordingly the order passed by respondent-Department dated 17.11.2023 passed by respondent no.3 relying upon Government Order dated 24.07.2018 is hereby stayed.

17. Till the next date of listing, effect and operation of the impugned government order dated 18.07.2023 is hereby stayed.

18. Learned counsel for the respondents pray for



and are granted six weeks' time for filing counter affidavit(s).

19. It is made clear that petitioners shall be paid arrears of their remuneration and regular remuneration on month to month basis, after sorting out the difficulty in making the payment to the petitioner as it can be cured by State Government itself. Arrears be paid within six weeks from today

20. It is also submitted by the Officers, Mr. Anup Malik, Principal Chief Conservator of Forest (HOFF) and Mr. Nishant Verma, Chief Conservator of Forest, Human Research Development that the Department is sincerely taking up the issue with the Government to resolve the problem faced by the petitioners."

8. From the aforesaid order passed by coordinate Bench, it is revealed that the Forest Officers had assured the Court that they will sincerely take-up the issue with the State Government to resolve the problem faced by petitioners.

9. Learned State Counsel is not in a position to apprise the Court about any progress in the matter.

10. In such view of the matter, no useful purpose would be served by keeping these writ petitions pending, when the only issue is regarding discontinuance of engagement of petitioners on the sole ground of change of head under which the wages are to be paid.

11. The writ petitions are, accordingly, disposed of by providing that engagement of petitioners shall not be discontinued only on the aforesaid ground, namely that head under which their wages are to be drawn has been changed and petitioners shall be permitted to serve, if work and post is available in the concerned Division.

(Manoj Kumar Tiwari, J)

10.12.2025



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