

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL  
AT DEHRADUN**

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

**CLAIM PETITION NO. 166/DB/2022**

Mahendra Singh, Office Assistant, Grade-I, O/O Manager (A&S),  
Uttarakhand Jal Vidyut Nigam Limited, Dehradun. .

.....Petitioner

**vs.**

1. The Secretary (Power and Alternative Energy), Government of Uttarakhand Secretariat, Subhash Road, Dehradun.
2. The Chairman, Uttarakhand Jal Vidyut Nigam Limited, Maharani Bagh, GMS Road, Dehradun.
3. The managing Director, Uttarakhand Jal Vidyut Nigam Limited, Maharani Bagh, GMS Road, Dehradun.
4. Sri Naushad Alam, Office Assistant-II (now Apar Varg Sahayak).
5. Sri Ram Kishore, Office Assistant-II (now Apar Varg Sahayak).

.....Respondents

(virtually)

Present: Sri Vibhore Maheshwari and Sri Uttam Singh, Advocates,  
for the petitioner.

Sri V.P.Devrani, A.P.O., for Respondent No.1.

Sri S.K.Jain, Advocate, for Jal Vidyut Nigam.

**JUDGMENT**

**DATED: NOVEMBER 19, 2022**

**Justice U.C.Dhyani (Oral)**

By means of present claim petition, petitioner seeks the following reliefs:

- “(i) Direct the respondent to decide the representation dated 22.07.2022 filed by the petitioner.
- (ii) Direct the respondent to decide the representation of the petitioner in terms of para 4 of the claim petition.
- (iii) Direct the respondents to decide the representation within a period of two months which is a reasonable time for business oriented entity/ Corporation.
- (iv) To pass any other suitable order, which the Hon’ble Tribunal may deem fit and proper on the basis of facts and circumstances of the case.
- (v) Award the cost of the petition to the petitioner.”

2. Facts, in brief, of the claim petition are that the petitioner was appointed on 19.07.1996 as Office Assistant-III in the erstwhile state of Uttar Pradesh Electricity Board. Under the U.P. State Electricity Reforms Transfer Act, 1999, the Board was trifurcated into three Corporations, i.e. U.P. Power Corporation Ltd., U.P.Jal Vidyut Nigam Ltd. and U.P.Rajya Vidyut Utpadan Nigam Ltd. The Hydro Power Electric Project, which was earlier operated by UPSEB, was transferred to the U.P.Jal Vidyut Nigam Ltd. When State of Uttarakhand came into existence on 09.11.2000, all the Hydropower business/ projects in Uttarakhand were transferred to Uttarakhand Jal Vidyut Nigam Ltd. (UJVNL). The newly created UJVNL issued notification dated 16.12.2002 regarding the service conditions of the employees who had come on deputation from the erstwhile State of U.P. The Corporation *vide* Memorandum dated 29.09.2004 decided Integrated Unified Cadre Clerks/Stenographers Scheme (Copy: Annexure- A 3) and from the date of this order, all the earlier orders were rendered ineffective. Respondents *vide* order dated 04.11.2004 ordered that there would be Joint Cadre of Clerks/ Stenographers.

2.1 Respondents *vide* letter dated 15.10.2012 invited applications for merger into Corporate Cadre. Petitioner also submitted willingness on 09.11.2012, which was not considered by the respondents. Petitioner was to be promoted from the post of Office Assistant-III to Junior Personal Assistant in view of Cadre structure dated 29.09.2004, but petitioner was promoted as Office Assistant-II on 30.06.2012. Petitioner was again promoted to the post of Office Assistant-I on 30.06.2017, whereas, in fact, the petitioner was to be promoted in accordance with the new Corporate

Structure. Petitioner filed various representations to the respondents for granting Corporate Cadre *at par* with the junior, but in vain.

2.2 The respondent Corporation *vide* memorandum dated 26.11.2021 changed the cadre of some of the employees but the petitioner, in spite of being the senior most, has been deprived of the cadre-benefit.

3. Ld. Counsel for the petitioner prayed that the petitioner's representation dated 22.07.2022 (Annexure: A-1), which was addressed to the Managing Director, Uttarakhand Jal Vidyut Nigam Ltd., (Respondent No.3), may kindly be directed to be decided by the respondents, at an earliest possible, in accordance with law, to which Ld. A.P.O. has no objection.

4. The claim petition is, accordingly, disposed of at the admission stage, by directing Managing Director, Uttarakhand Jal Vidyut Nigam Ltd., (Respondent No.3), to decide pending representation of the petitioner by a reasoned and speaking order, without unreasonable delay and in accordance with law, on presentation of certified copy of this order along with copy of the representation (Annexure: A-1), enclosing relevant documents. No order as to costs.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN

*DATE: NOVEMBER 19, 2022*  
*DEHRADUN*

*VM*