

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCH AT NAINITAL**

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

----- Chairman

Hon'ble Mr. Rajeev Gupta

----- Vice Chairman (A)

Claim Petition No. 61/NB/DB/2019

Bala Dutt Pandey (Male), aged about 54 years, s/o late Sri Bhola Dutt Pandey, r/o Amba Vihar, Talli Bamori, Haldwani, District Nainital.

.....Petitioner

versus

1. State of Uttarakhand through Secretary, Department of Panchayati Raj, Government of Uttarakhand, Dehradun.
2. Director, Panchayati Raj, Uttarakhand, Dehradun.

..... Respondents

Present: Sri Bhagwat Mehra, Advocate, for the Petitioner
Sri Kishore Kumar, A.P.O., for the Respondents

Judgement

Dated: 05th December, 2022

Justice U.C. Dhyani (Oral)

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

"A. To set aside the impugned order dated 25.06.2019 passed by Respondent No. 1 (Annexure No. 1 to Compilation-I).

B. To direct the Respondents to grant benefit of Third A.C.P. to the petitioner in the Grade Pay of Rs. 8,700/- from the admitted due date i.e. 19.07.2014.

- C. To direct the Respondents to grant all consequential benefits to the Petitioner.
- D. To issue any other order or direction, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
- E. Award the cost of the Claim petition in favour of the petitioner."

2. In claim petition no. 64/NB/SB/2019, in which the judgement has been dictated today, this Tribunal has passed the following order:

"18. Claim Petition is disposed of by setting aside the impugned order, leaving it open to the Disciplinary Authority/ Appointing Authority to initiate departmental proceedings against the petitioner, in accordance with law, if he is so advised. No order as to costs"

3. Claim Petition No. 64/NB/SB/2019 was filed for the following reliefs:

- "A. To set aside the impugned punishment order dated 02-01-2018 passed by the Respondent No. 1 (Annexure No. 1 to Compilation-I).
- B. To direct the Respondents to grant all consequential benefits to the Petitioner.
- C. To issue any other order or direction, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
- D. Award the cost of the Claim petition in favour of the petitioner."

4. Since the order impugned in Claim Petition No. 64/NB/SB/2019 has been set aside, although with liberty to the respondents to pass a fresh order, in accordance with law but the facts remains that the order in claim petition no. 64/NB/SB/2019 having been set aside, the respondents are under obligation to grant benefit of the 3rd ACP to the petitioner in the grade pay of Rs. 8,700/- from the admitted due date 09.07.2014 with consequential benefits.

4. Impugned order dated 25.06.2019 passed by respondent no. 1 in present Claim Petition No. 61/NB/DB/2019 is accordingly set aside. Respondents are directed to grant benefit of the 3rd ACP to the petitioner in the grade pay of Rs. 8,700/- from the admitted due date 09.07.2014 with consequential benefits, which shall abide by the decision of the

Disciplinary Authority/ Appointing Authority, if liberty granted in Claim Petition No. 64/NB/SB/2019, Bala Dutt Pandey vs. State of Uttarakhand and others, is availed. No order as to costs.

(RAJEEV GUPTA)

VICE CHAIRMAN (A)

[virtually from Dehradun]

(JUSTICE U.C. DHYANI)

CHAIRMAN

[virtually from NJA]

DATE: 05th DECEMBER, 2022

DEHRADUN

RS