

**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. 192/SB/2022**

Smt. Susheela Kothiyal, w/o Sri Jitendra lal Kothiyal, posted as Tehsildar-Pauri, r/o Ward No. 99, Near T-Point Nakronda Zero Point, Dehradun.

.....Petitioner

**VS.**

1. The Additional Chief Secretary (Finance), Govt. of Uttarakhand Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. The Commissioner & Secretary, Board of Revenue, Uttarakhand, Dehradun.
3. The District Magistrate, District-Pauri Garhwal.
4. The Director, Secondary Education, Govt. of Uttarakhand, Nanoorkheda, Uttarakhand.

....Respondents.

Present: Sri Uttam Singh, Advocate, for the petitioner  
Sri V.P.Devrani, A.P.O., for the Respondent No.1.

**JUDGMENT**

**DATED: DECEMBER 09, 2022**

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

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

“(I) Direct the respondents to decide the representation dated 13.06.2022 of the petitioner regarding pay protection etc. on merit by way of reasoned and speaking order within a period of two months (Annexure: A-1).

(II) 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.

(III) Award the cost of the petition to the petitioner.”

2. Facts of the case, in brief, are that the petitioner was initially appointed as Assistant Teacher (Basic) in the Government Primary School, District Pauri Garhwal on 06.02.1997. After getting promotions from time to time, she joined as Lecturer (Economics) in Govt. Inter College, Daida, on 11.08.2011, in the pay scale of Rs.9300-34800/- grade pay Rs.4800/-.

2.1 On 15.03.2012, petitioner obtained 'no-objection certificate' from the Director, *Madhyamik Shiksha*, Uttarakhand, for appearing in the examination for the post of Naib Tehsildar through Public Service Commission, Uttarakhand.

2.2 The petitioner, on 06.08.2013 was getting Basic pay Rs.17680/- grade pay Rs.4800/- as Lecturer (Economics) in Govt. Inter College. Petitioner was selected as Naib Tehsildar and after completing her training, joined on the said post on 06.01.2014 in Tehsil Devprayag, District Tehri Garhwal. Thereafter, she was transferred to District Chamoli Garhwal.

2.3 The Director Rehabilitation, Tehri, *vide* letter dated 28.03.2014, addressed to D.M. Chamoli, issued the Last Pay Certificate of petitioner as Rs.12053/- (in the pay scale of Rs.9300-34800/- grade pay Rs.4200/-). The petitioner appeared in the examination for the post of Naib Tehsildar, through Public Service Commission, after obtaining the no-objection certificate from the Govt. Department, as such she was entitled for pay protection. Petitioner filed a detailed representation on 26.05.2014 for protection of pay which she was getting as Lecturer (Economics) before appointment as Naib Tehsildar. The said representation of the petitioner was forwarded by D.M., Chamoli on 23.07.2014 to the Commissioner and Secretary, Board of Revenue, Uttarakhand, but the same was not decided. Thereafter, in continuation of D.M., Chamoli's letter dated 23.07.2014, D.M., Haridwar, sent a reminder on 04.09.2018 to Board of Revenue, Uttarakhand, but no decision was taken by the respondents. Petitioner was promoted as Tehsildar on 08.03.2019 in the pay scale of Rs.15600-39100/- grade pay Rs.5400/-. The petitioner has filed another representation dated 13.06.2022 (Annexure: A-1) to the

Commissioner and Secretary, Uttarakhand Board of Revenue for protection of pay, but such representation of the petitioner has also not been decided.

3. The sole prayer of Ld. Counsel for the petitioner is that a direction may kindly be given to the respondents to decide the representation of the petitioner, by a reasoned and speaking order, at an earliest possible, in accordance with law. Ld. A.P.O. has no objection to such innocuous prayer of Ld. Counsel for the petitioner.

4. Without prejudice to rival contentions, a direction is given to Respondent No.2 to decide the representation dated 13.06.2022 (Annexure: A-1) of the petitioner, by a reasoned and speaking order, in accordance with law, without unreasonable delay, on presentation of certified copy of this order along with copy of representation dated 13.06.2022 (Annexure: A-1), enclosing the documents in support thereof.

5. When such representation is decided, it will be the responsibility of the respondent department to communicate the same to the petitioner. No order as to costs.

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

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

*DATE: DECEMBER 09, 2022*  
*DEHRADUN*

*VM*