

**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. 05/DB/2023

Govind Singh Rawat, presently posted as Addl. Assistant Engineer, Thatyur, aged about 52 years, s/o Sri Bhupal Singh Rawat, r/o Banjarawala, THDC Colony, Dehradun.

.....Petitioner

versus

1. State of Uttarakhand through Secretary, Public Works Department, Government of Uttarakhand, Dehradun.
2. Chief Engineer, Level 1, Public Works Department, Dehradun.
3. Superintending Engineer (Finance), Public Works Department, Dehradun.
4. Executive Engineer, Regional Office, Public Works Department, Dehradun.

..... Respondents

Present: Sri M.C. Pant (online) and Sri Abhishek Chamoli,
Advocates, for the Petitioner
Sri V.P. Devrani, A.P.O. for the Respondent No. 1

Judgement

Dated: 05th January, 2023

Justice U.C. Dhyani (Oral)

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

“(i) To issue an order or direction to the respondents to grant the benefits of 2nd ACP to the petitioner from the date of completion of 16 years of satisfactory service i.e. 04/11/2009 after calculating his entire length of service along with the consequential service benefit and arrear after calling entire record from the respondents and keeping in the view the facts highlighted in the body of the petition.

b) To issue an order or direction to the respondents to pay interest on the delay payment of the amount of the arrear of ACP.

c) Issue any suitable order or direction which this Hon’ble Court may deem fit and proper in the circumstances of the case.

d) Award the cost of claim petition to the petitioners.”

2. At the very outset, learned A.P.O. objected to the maintainability of the claim petition, *inter alia*, on the ground that the same is barred by limitation. Learned Counsel for the petitioner denies the same, submitting that the petitioner has recurring cause of action.

3. Learned Counsel for the petitioner submitted that petitioner’s representation for granting benefits of 2nd ACP is pending consideration of the respondent-department and a direction be given to it to decide the pending representation of the petitioner at an earliest possible, in accordance with law. Learned A.P.O. has no objection, if a direction is given by the Tribunal to the respondent-department to decide pending representation of the petitioner, as per law.

4. Without prejudice to rival contentions, the claim petition is disposed of, at the admission stage, by directing respondent-department to decide pending representation of the petitioner by a reasoned and speaking order, in accordance with law, at an earliest possible, preferably within 8 weeks of presentation of certified copy of this order along with a copy of representation. No order as to costs.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: 05th January, 2023

DEHRADUN

RS