

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

CLAIM PETITION NO. 02/SB/2023

Dr. Jagdish Chandra Bahuguna, s/o Late Sri Moti Ram Bahuguna, aged about 65 years, Ex- Homeopathic Medical Officer (Grade-II), r/o 131 Prakash Vihar, Lane No. 7, Dharampur, Dehradun..

.....Petitioner

VS.

1. The Secretary, Urban Development, Government of Uttarakhand Secretariat, Subhash Road, Dehradun.
2. The Director, Urban Development Directorate, 31/62 Rajpur Road, Dehradun.
3. The Municipal Commissioner, Dehradun Municipal Corporation, Dehradun.

....Respondents.

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

JUDGMENT

DATED: JANUARY 04, 2023

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 02.10.2022 of the petitioner regarding pay scale etc. on merit by way of reasoned and speaking order within a period of two months (Annexure No.A-1).

II) Direct the respondents to sanction 50% in accordance with the Government Order No. *Vitta (Ve. Aa.- Sa.Ni.) Anubhag-7* No.419/xxvii (7)/2008 dated 27.10.2008.

III) To pass any other suitable order, which the Hon'ble Tribunal may deem fit and proper on the basis of the facts and circumstances of the case.

IV) Award the cost of the petition to the petitioner.”

2. Facts of the case, in brief, are that the petitioner is a retired Medical Officer. He was initially appointed on 29.08.1997 as Homeopathic Medical Officer (Grade-II) in the pay scale of Rs.1200-1800 (revised pay scale Rs.4000-6000/- grade pay Rs.2400/-. As per 4th, 5th and 6th Pay Commissions, pay scales of the newly appointed Medical Officers were fixed at Rs.2200-4000/- (*w.e.f.* 01.01.1986), Rs.8000-135000/- (*w.e.f.* 01.01.1996) and Rs.15600-39100/- (*w.e.f.* 01.01.2006) respectively.

2.1 In view of the D.O. letter No. 49 dated 27.02.2017, services of the petitioner would be governed by the Uttar Pradesh Palika Central Service Rules, 1966 and the expenditure shall be borne by the concerned Council/ Corporation. The Govt. *vide* order dated 28.02.2017 corrected the pay scale of Rs.8000-13500/- *at par* with the Medical Officers *w.e.f.* 29.08.2001, in view of the U.P. Govt. order dated 17.04.2001. But the petitioner, on completion of two years of service on 29.08.2003, has not been sanctioned higher pay scale of Rs.10000-375-15200/-.

2.2. It is the submission of Ld. Counsel for the petitioner that the petitioner moved a representation on 02.10.2022 for grant of ACP and other service benefits, which is pending decision of the authorities of the respondent department. The innocuous prayer of the petitioner is that the same may kindly be directed to be decided, in accordance with law, to which Ld. A.P.O. has no objection.

3. Without prejudice to rival contentions, the claim petition is disposed of at the admission stage, by directing the respondent department to decide the representation dated 02.10.2022 (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 fresh representation enclosing the documents in support thereof. Whenever

such representation is decided, it will be the responsibility of the respondent department to communicate the same to the petitioner.

4. No order as to costs.

5. It is made clear that the Tribunal has not expressed any opinion on the merits of the claim petition.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JANUARY 04, 2023
DEHRADUN

VM