

**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. 121/NB/DB/2022

Sri D.K. Tiwari, aged about 58 years, s/o late Sri D.C. Tiwari, r/o G.F.L.-1, Block-A, Gokul Dham Society, Post Office Manpur West, Dhahariya, Haldwani, District Nainital.

.....Petitioner

versus

1. State of Uttarakhand, through its Secretary, Urban Development Department, Secretariat Complex, Subhash Road, Dehradun.
2. Director, Urban Development, Directorate Uttarakhand, Dehradun.
3. Municipal Commissioner, Nagar Nigam, Rudrapur, District Udham Singh Nagar.

..... Respondents

Present: Sri D.K. Tiwari, Petitioner (in person), along with
Sri I.P. Gairola, Advocate, for the petitioner (online)
Sri Kishore Kumar, A.P.O., for respondents (online)

Judgement

Dated: 21st February, 2023

Justice U.C. Dhyani (Oral)

Hon'ble High Court of Uttarakhand has been pleased to pass an order on 28.09.2022 in WPSB No. 61/2019, D.K. Tiwari vs. State of Uttarakhand and others, which reads as under:

“The petitioner was a public servant. The relief sought by him relates to his claim for pension with interest.

2) The said claim squarely falls for consideration within the jurisdiction of the Uttarakhand Public Services Tribunal.

3) Considering the fact that the petition is pending since the year 2019, and pleadings are complete, we direct the Registry to transmit the complete record of the case to the Tribunal, which shall be registered as a claim petition by the Tribunal, and be dealt with accordingly.

4) Writ petition stands disposed of accordingly.

All pending applications also stands disposed of.”

2. The original record of the writ petition has been transferred to this Tribunal vide Letter No. 14624/UHC/Service (S/B) 2022 dated 14.10.2022 of the Registrar Judicial of the Hon'ble High Court. The writ petition has been registered as Claim Petition No. 121/NB/DB/2022.

3. Present petition has been filed by the petitioner for directing the respondents to pay the pension and gratuity to the petitioner without further delay along with interest at the rate of 9 % p.a. thereon till the actual payment is made.

4. When the hearing commenced, the petitioner, who is present in person, stated that gratuity has been paid to him and only the pension remains to be paid by respondent no. 1.

5. Petitioner served as Deputy Municipal Commissioner, Nagar Nigam, Rudrapur, after rendering 24 years of service in U.P. Hill Electronics Corporation Limited (HILLTRON). His services were merged in Urban Development Directorate (respondent no. 2).

6. As has already been stated above that the gratuity of the petitioner has been released by respondent no. 2 under the orders of respondent no. 1.

7. The petitioner drew the attention of this Bench towards Corrigendum No. 1292/ IV/ (1)/2016-53 (sa)/2008 dated 29.11.2016, issued by Secretary, Urban Development, Govt. of Uttarakhand, to

submit that the service rendered by the employees of HILLTRON, whose services were adjusted in Urban Development Directorate will be counted for all service benefits, except the seniority. Office Order No. 211/IV/(1)/2015-53(sa)/2006 dated 29.02.2015 was amended to this extent.

8. Earlier, in to the G.O. dated 2015, it was stipulated that the services rendered by the employees of HILLTRON before merger shall not be taken cognizance of, for any purpose.

9. It is the submission of the petitioner that when the services rendered by him in HILLTRON were to be taken cognizance of, except seniority, then he is entitled to pensionary benefits after his retirement.

10. After arguing the petition at some length, the petitioner confined his prayer only to the extent that respondent no. 1 be directed to decide his representation by a reasoned and speaking order, in accordance with law, which he will be filing within two weeks.

11. Considering the facts of the case, this Tribunal is of the view that the innocuous prayer of the petitioner is worth accepting.

12. The petition is disposed of by directing respondent no. 1 to decide the representation of the petitioner (which may be filed by him within two weeks) by a reasoned and speaking order, in accordance with law, at the earliest, preferably within 8 weeks of presentation of certified copy of this order, along with representation. No order as to costs.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: 21st February, 2023

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