

**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)

**WRIT PETITION NO 73(S/B) OF 2017
[RECLASSIFIED AND RENUMBERED AS CLAIM PETITION NO. 64/DB/2023]**

1. Arun Kumar Sharma, s/o Shri Rishi Raj Sharma, R/o 97-B Shiv Nivas Bhim Goda Haridwar, District Haridwar
2. Shyam Bihari Lal, s/o Late Sri Ram Narayan, r/o 672/14, Awas Vikas Colony Sikandara, Agra U.P.
3. Lalit Mohan Kaul, s/o Late Sri Prithvi Nath Kaul, r/o 1080, Indira Nagar Colony, Post Office- New Forest Dehradun, District Dehradun.
4. Shankar Ram, s/o Late Sri Baij Nath Ram, r/o 173 Indira Colony (Vasant Vihar) Post Office- New Forest Dehradun, District Dehradun.
5. Mahendra Pal Singh, s/o Late Sri Ram Singh, r/o 3/1 Jakhan, Rajpur Road Dehradun, District Dehradun.
6. Naresh Chand Goel S/o Late Bhagirath Lal, R/o 26 Bhagwant Puram, Kankhal, District Haridwar.
7. Ram Krishan Sahi, s/o Late Sri Rai Bahadur Sahi, r/o 09 Nibuwala (Garhi Cantt.) Dehradun, District Dehradun.

.....Petitioners.

VS.

1. State of Uttarakhand through Principal Secretary, Department of Forest, Government of Uttarakhand, Dehradun.
2. Principal Secretary, Finance Department, Government of Uttarakhand, Dehradun.
3. Principal Chief Conservator of Forest (Head of Forest Force) Uttarakhand, 87 Rajpur Road, Dehradun.

.....Respondents.

Present: Sri Alok Mehra, Advocate, for the petitioners.(virtually)
Sri V.P.Devrani, A.P.O., for Respondents.

JUDGMENT

DATED: MAY 15, 2023

Justice U.C.Dhyani (Oral)

Hon'ble High Court of Uttarakhand at Nainital, passed an order, in WPSB No73/2017 ,Arun Kumar Sharma & others vs. State of Uttarakhand and others, on 19.12.2022, as follows:

“. Petitioners, admittedly, are public servants. The reliefs sought in the writ petition are the following:-

i) Declare the cutoff date fixed in the G.O. dated 06.11.2013 for grant of benefit of the amendment in the ACP scheme as unjust, arbitrary and illegal.

ii) Declare all Assistant Conservators of Forest who were given benefit of 3rd ACP vide order dated 30-10-2012 as eligible for benefit of amendment in the ACP scheme introduced vide G.O. dated 06-11-2013.

iii) Issue a writ, order or direction in the nature of certiorari for quashing the impugned order dated 27-07-2016 passed by respondent no. 1 (Annexure No. 10).

iv) Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 2 to make necessary amendment in the G.O. dated 06-11-2013 to ensure that all members of Provincial Forest Service who retired after 01-09-2008 get similar treatment in the matter of grant of monetary benefits as 3rd ACP.

v) Issue a writ, order or direction in the nature of mandamus commanding respondent no. 1 & 2 to forthwith grant pay scale of Rs. 37400-67000 Grade pay Rs. 8900/- as 3rd ACP from due date under the prevailing ACP Scheme.

vi) Issue any other writ order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

2. The said reliefs squarely fall for consideration within the jurisdiction of the Uttarakhand Public Services Tribunal.

3. Considering the fact that writ petition is pending since the year 2017, and the pleadings have been exchanged, we direct the Registry to transmit the record of the present writ petition to the Tribunal forthwith, to be registered as a claim petition and deal with the same appropriately at Circuit Bench, Nainital.

4. Considering the fact that the petitioners' claims have been pending for some time, we request the Tribunal to expedite the hearing of the claim petition.

5. The writ petition is disposed of accordingly.”

2. Writ Petition No. 73 (S/B) of 2017 is, accordingly, reclassified and renumbered as Claim Petition No. 64/DB/2023. Since the reference in this Tribunal shall be of the writ petition filed before the Hon'ble High Court, but shall be dealt with as claim petition, therefore, the claim petition shall be referred to as 'petition' and petitioner shall be referred to as 'petitioner', in the body of the judgment

3. Facts, giving rise to the present claim petition are as follows:

3.1 After implementation of 6th Pay Commission report, ACP Scheme was introduced *vide* G.O. dated 08-03-2011 and petitioners were given benefit of 3rd ACP *vide* separate orders dated 21-05-2011, 29-06-2011 & 14-12-2012 issued by respondent no. 3. Subsequently, *vide* G.O. dated 06-11-2013, ACP scheme was amended and it was provided that a Govt. employee would be given pay scale for the higher post in the line of promotion in place of Grade pay under the old scheme. Benefit of the amended ACP scheme was given to all serving Assistant Conservators of Forest, however, petitioners were denied this benefit on the ground that benefit of amended ACP scheme is available only to serving Government employees. Since ACP scheme was made applicable *w.e.f.* 01-09-2008 and petitioners were given benefit of the said scheme *w.e.f.* 01-09-2008, therefore, any amendment in the said scheme has to be effective from the same date *i.e.* 01-09-2008 and not from 01-11-2013. Hence present petition.

4. This is second round of litigation between the parties. Petitioners filed WPSB No. 136/2016 before the Hon'ble High Court, who, *vide* order dated 04.04.2016, was pleased to direct the State Government to consider and take decision on the representations of the petitioners, which were enclosed as Annexures 6 and 8 to the petition. (Copy of order dated 04.04.2016: Annexure: 1 to the petition).

5. Scheme of ACP, which was introduced *vide* Govt. Order dated 08-03-2011 (and was amended from time to time), was effective from 01-09-2008. Amending orders have also been brought on record by the petitioner in this petition.

6. The representations of the petitioners were rejected by the Additional Chief Secretary, Forest and Environment, Govt. of Uttarakhand, *vide* office order dated 27-07-2016 (Copy: Annexure-10). Simple logic given in the impugned order dated 27-07-2016 (Annexure:10) is that the G.O. dated 06-11-2013 does not apply to the officers/ officials who retired before 01-11-2013.

7. Sri Rajinder Kumar, Principal Chief Conservator of Forest, Uttarakhand, Dehradun, Respondent No.3 has filed Counter Affidavit. Each and every material averment in the petition has been denied, save and except as specifically admitted. Rejoinder Affidavit thereto has also been filed by the petitioners.

8. In the Counter Affidavit filed by Respondent No.3, it has been stated that the G.O. No. 770/XXVII (7) 40(ix)/2011 dated 06-11-2013 has been enforced from 01-11-2013, therefore, the officers /employees who have retired before 01-11-2013 are not covered under this G.O. and provisions of this G.O. are not applicable upon them and they shall not be entitled for the benefit contained in the G.O. dated 06-11-2013.

8.1 The provisions of G.O. No. 770/XXVII (7) 40(ix)/2011 dated 06-11-2013 are applicable on the officers/employees who were in service on 01-11-2013. Because the petitioners have already retired before that date therefore they will not be entitled to get benefit of this order. The petitioner's who were entitled to get benefit of ACP as per the previous government Order No. 313/XXVII(7)/40(IX) dated 31-08-2011, their pension was calculated according to the said government order and their salary was assessed on the same basis. Therefore, when the petitioners have already availed benefit of ACP and related benefits, then there was no occasion for them to file a writ petition seeking benefit of a G.O. which was not applicable in their service period. It is further submitted in the C.A./W.S. that the petitioners are Forest Ranger Officers appointed through direct recruitment whose first promotion was on the post of Assistant Forest Conservator and until such promotee officers are not appointed in the Indian Forest Services they cannot get benefit of promotion on the post of Deputy Forest Conservator and on the post of Forest

Conservator, because both Deputy Conservator and Forest Conservator are cadre posts of Indian Forest Service Cadre. The petition is liable to be dismissed.

9. Ld. Counsel for the petitioners submitted that the petitioners were initially appointed as Forest Range Officer on the recommendation of Public Service Commission. They were subsequently promoted to the post of Assistant Conservator of Forest (ACF). All the petitioners retired from service upon completing age of superannuation between 30-06-2009 to 31-08-2013.

10. Petitioners No. 1, 3, 4 & 7 were given benefit of 3rd ACP w.e.f. 01-01-2006 as they had already acquired eligibility for such benefit. All other petitioners were given benefit of 3rd ACP from different dates between 01-01-2006 to 30-04-2008. However after change in the effective date of implementation of ACP Scheme vide G.O. dated 08-03-2011, date of grant of 3rd Career Progression to all petitioners was changed to 01-09-2008 and excess salary paid to them was recovered (Copy of order dated 21-05-2011: Annexure - 4). Before grant of benefit of 3rd Career Progression under ACP Scheme, all the petitioners were getting salary admissible for the post of DCF in pay band 3 i.e. Rs. 15600-39100, Grade pay Rs. 6600. The next higher Grade pay of Rs. 7600 was given to all the petitioners w .e.f. 01-09- 2008 as 3rd Career Progression in terms of the then prevailing ACP Scheme, which was introduced vide G.O. dated 08-03-2011. In fact, this benefit was given to all eligible ACFs who had acquired eligibility for the same on or before 01-09-2008.

11. The ACP Scheme introduced *vide* G.O. dated 08-03-2011 was partially modified vide G.O. dated 06-11-2013 and it was provided in para no. 2 of the government order dated 06-11-2013 that instead of granting next higher Grade pay to Government employees as 1st, 2nd & 3rd Career Progression, they would be given pay scale for the next higher post available in the line of promotion. Paragraph no. 3 of the G.O. dated 06-11-2013 specifies that all those employees, who are getting benefit of 1st, 2nd or 3rd ACP on 01-11-2013, their salary will be fixed as per Para No. 2 of the government order (Copy of G.O. dated 06-11- 2013: Annexure - 6). Thus a Forest Range Officer would get pay scale of ACF upon completing 10 years, pay scale of DCF upon

completing 18 years and pay scale of Conservator of Forest upon completing 26 years of service i.e. Grade Pay Rs. 8900/-.

12. In terms of G.O. dated 06-11-2013, all persons who were given Grade pay of Rs. 7600/- together with the petitioners vide order dated 14- 12- 2012 were given pay scale admissible for the post of Conservator of Forest. The petitioners were, however, denied this benefit. The post of Conservator of Forest falls in the line of promotion of all persons who were given benefit of 3rd Career Progression vide order dated 14-12-2012, therefore denial of pay scale of Conservator of Forest to the petitioners appears to be unjust. Representation of the petitioners were rejected *vide* order dated 27- 07-2016 (Annexure No. 10 to the Claim Petition). Petitioner have mentioned the ground of challenge from Para No. 22 to 33 of the Petition. For the sake of brevity, they are not being reproduced here.

13. Petitioners are relying on the judgment passed by Hon'ble Apex Court in *Civil Appeal No. 1123 of 2015, State of Rajasthan and other Vs. Mahendra Nath Sharma* decided on 01-07-2015, in which decision Hon'ble Apex Court has observed that the State cannot take plea of financial burden to deny the legitimate dues of the employees. In Mahendra Nath Sharma case (*supra*), some employees got benefit of revision of pay scale w.e.f. 01-01-1986 by notification dated 03-06-1988.

14. It is the submission of Ld. A.P.O. that the Govt. has taken a conscious decision to provide a cut-off date in the Govt. Order dated 06-11-2013 which has no retrospective effect, therefore, there is no scope for the petitioners to challenge the contents, much less, the cut-off date specified therein, in this petition.

15. Sri Alok Mehra, Ld. Counsel for the petitioners submitted that equals cannot be treated unequally and the cut-off-date *i.e.* 01-11-2013 in the G.O. dated 06-11-2013 is arbitrary. The State Govt. cannot take a stand that the benefit of any G.O. shall not be applicable to those who have retired from service. The petitioners are retired Forest Officers, who have been denied the benefit of G.O., citing the reason that they are not eligible for such benefit inasmuch as they retired before the cut-off-date *i.e.* 01-11-2013. Ld. A.P.O.

also submitted that ACP is one time benefit that cannot be re-opened on a subsequent date, otherwise it will become an unending process.

16. The decision rendered on 01.07.2015 by Hon'ble Supreme Court in Mahendra Nath Sharma (*supra*), is significant in deciding the controversy in hand. Relevant paragraphs of the judgment are excerpted herein below for convenience:

“3. As the factual matrix would unfurl, the Government of Rajasthan vide Rajasthan Civil Services (Revised Pay Scale for Government College Teachers including Librarians, PTIs) Rules, 1999, (for short, “the 1999 Rules”) revised the pay scales of Government College Teachers/Librarians w.e.f. 1.1.1996. The Schedule appended to the said Rule mentioned the post of Lecturer (Ordinary Scale), Lecturer (Senior Scale) and Lecturer (Selection Scale) showing the existing revised pay scale as against the said post, as a **result of which the respondents who retired prior to the year 1996 or for that matter in the year 1999 were granted revised pension on the basis of the revised pay scale w.e.f. 1.1.1996 meant for the grade of Lecturer (Selection Scale).**

3. In the year 2008, the Government of Rajasthan issued a circular/memorandum dated 12.09.2008, which envisaged that the pension/family pension of **all the pre 1.9.2006 State pensioners/family pensioners be revised w.e.f. 1.9.2006** as per the provisions made therein.....

4. 5. Paragraph 4 provides that the pension/family pension of existing pre-1.9.2006 pensioners/family pensioners will be consolidated w.e.f. 1.9.2006 by adding together the following:.....

5. 6. It has also been stipulated therein that **the amount so arrived at will be regarded as consolidated pension/family pension with effect from 1.9.2006.**

6. At this juncture, it is apt to note that the aforesaid clause is central to the controversy calling for interpretation. The learned Single Judge of the High Court vide judgment and order dated 20th September, 2011 considering many an aspect had granted relief to the respondents herein. The said order was challenged in Intra-Court appeal before the Division Bench.....

9. After the remit, the learned Single Judge adverted to the rival submissions, considered the Regulations of 2010, paragraph 5 of the Memorandum dated 12.9.2008, Notification dated 12.10.2009, Letter dated 15.12.2009 issued by the Government of India, Ministry of HRD wherein it was clarified that pay band of Rs.37400-67000 is to be given to all those who had already completed three years of service in selection grade prior to 1.1.2006 and, **more specifically, the pensioners and on that analysis allowed the writ petitions.**

10. Being dissatisfied with the decision of the learned Single Judge, the State of Rajasthan and its functionaries preferred Intra-Court appeals before the Division Bench. The Division Bench noticed that the learned Single Judge has awarded the benefit as per existing guidelines of UGC to the respondents who had retired prior to 1.1.2006.

14. . Learned Solicitor General has submitted that the order of High Court of Punjab and Haryana has no application in the present case inasmuch as the State of Haryana had adopted/incorporated the recommendations of the 6th Pay Commission completely, which is not the case with State of Rajasthan; and more importantly the order that was challenged before the Punjab and Haryana High Court was that of Higher Education Commissioner, dated 07.09.2010, which

reversed the grant of benefit of extending the pay band of Rs. 37400-67000 with AGP of Rs. **9000 to those Lecturers who had retired before 01.01.2006**, as decided by the High Level Committee constituting of Chief Secretary, Finance Secretary and Education Secretary of Govt. of Haryana vide order dated 27.08.2009.

15. there is a difference between Revision of Pay and Revision of Pension, and the notification dated 12.10.2009 relating to revision of pay is only applicable to the existing employees and not to those who had retired prior to 01.01.2006.

16..... 2009 Rules notified on 12.10.2009 are meant for employees **who were on the roll as on 01.01.2006 is fallacious** and contrary to the scope and object of the 2009 Rules and Paragraph 5 of the Memorandum dated 12.09.2008 inasmuch as the Division Bench as well as the Single Bench has recorded that the pension of respondents has been revised pursuant to the revision of pay scale as per the Notification dated 12.10.2009.....

18..... **the State of Haryana, vide memorandum dated 10.7.2009 had denied the benefit of pension to the retired employees. The High Court had quashed the same which has been affirmed by this Court.....**

19..... In D.S. Nakara v. Union of India, D.A. Desai, J. speaking for the Bench opined that:-

“18. The approach of the respondents raises a vital and none too easy of answer, question as to why pension is paid. And why was it required to be liberalised? Is the employer, which expression will include even the State, bound to pay pension? Is there any obligation on the employer to provide for the erstwhile employee even after the contract of employment has come to an end and the employee has ceased to render service?

19. What is a pension? What are the goals of pension? What public interest or purpose, if any, it seeks to serve? If it does seek to serve some public purpose, is it thwarted by such artificial division of retirement pre and post a certain date? We need seek answer to these and incidental questions so as to render just justice between parties to this petition.

The antiquated notion of pension being a bounty a gratuitous payment depending upon the sweet will or grace of the employer not claimable as a right and, therefore, no right to pension can be enforced through Court has been swept under the carpet by the decision of the Constitution Bench in Deokinandan Prasad v. State of Bihar wherein this Court authoritatively ruled that pension is a right and the payment of it does not depend upon the discretion of the Government but is governed by the rules and a government servant coming within those rules is entitled to claim pension. It was further held that the grant of pension does not depend upon anyone's discretion. It is only for the purpose of quantifying the amount having regard to service and other allied matters that it may be necessary for the authority to pass an order to that effect but the right to receive pension flows to the officer not because of any such order but by virtue of the rules. This view was reaffirmed in [State of Punjab v. Iqbal Singh](#)[4].”

20. **We may hasten to add that though the said decision has been explained and diluted on certain other aspects, but the paragraphs which we have reproduced as a concept holds the filed as it is a fundamental concept in service jurisprudence. It will be appropriate and apposite on the part of the employers to remember the same and ingeminate it time and again so that unnecessary litigation do not travel to the Court and the employers show a definite and correct attitude towards employees.** We are compelled to say so as we find that the intention of the State Government from paragraph 5 of the circular/memorandum has been litigated at various stages to deny the benefits to

the respondents. **It is the duty of the State Government to avoid unwarranted litigations and not to encourage any litigation for the sake of litigation. The respondents were entitled to get the benefit of pension and the High Court has placed reliance on the decision of another High Court which has already been approved by this Court.** True it is, there is slight difference in the use of language in the Haryana Pension Rules 2009 and the circular/ memorandum issued by the State of Rajasthan, **but a critical analysis would show that the final consequence is not affected.**

21. It is urged before us that it will put a heavy financial burden on the State. The said submission has been seriously resisted by the learned counsel for the respondents by urging that hardly 200-250 retired lecturers in the selection scale are alive in praesenti and the State cannot take a plea of financial burden to deny the legitimate dues of the respondents.

22. In view of the aforesaid analysis, we do not perceive any merit in this batch of appeals and accordingly, the same stands dismissed. The benefit shall be extended to the respondents within a span of three months from today failing which the accrued sum shall carry interest @ 9% per annum till realisation. There shall be no order as to costs.”

17. Controversy regarding the third ACP, admissible to Rangers, has been dealt with in detail by this Tribunal in Claim Petition No.161/DB/2019, Bharat Singh & others vs. State and others. The relevant paragraphs of the judgment passed by this Tribunal in that claim petition are reproduced herein below:

“2 The issue involved in these claim petitions is the grant of 3rd ACP to the Rangers (DDRs) of the Forest Department, in accordance with the provisions of the G.O. dated 06.11.2013 (Annexure A 18) of the Finance Department of the Govt. of Uttarakhand regarding ACP (Assured Career Progression). The initial G.O. dated 08.03.2011 (Annexure A-15) regarding ACP provided for giving the benefit of ACP in terms of the next higher slab of Grade Pay and corresponding Pay Scale in the pay matrix, prevalent during the 6th Pay Commission. Under the amended G.O. for ACP dated 06.11.2013, the State employees, substantively appointed in the Grade Pay of Rs. 4800 or below, in case where the post of promotion was available for such employees, were made entitled to get the corresponding Grade Pay and Pay Band of the promotional post; and where the promotional posts were not available for the employees, they were entitled to get the next higher Grade Pay and corresponding Pay Scale as per the Pay Matrix Table of the 6th Pay Commission. This pay matrix table is Annexed as Annexure No.1 to the Finance Department G.O. dated 17.10.2008. The relevant Grade Pays and Corresponding pay scales in ascending order for the case in hand, are as follows:

वेतनमान (दिनांक 01-01-2006 के पूर्व)	दिनांक 01-01-2006 से संशोधित वेतन संरचना/ढाँचा		
	वेतन बैंड/वेतनमान का नाम	सदृश्य वेतन बैंड/वेतनमान	सदृश्य ग्रेड वेतन
7500-250-12000	वेतन बैंड-2	9300-34800	4800
8000-275-13500	वेतन बैंड-3	15600-39100	5400
8550-275-14600	वेतन बैंड-3	15600-39100	6600

10000-325-15200	वेतन बैंड-3	15600-39100	6600
10650-325-15850	वेतन बैंड-3	15600-39100	6600
12000-375-16500	वेतन बैंड-3	15600-39100	7600
14300-400-18300	वेतन बैंड-4	37400-67000	8700
16400-450-20000	वेतन बैंड-4	37400-67000	8900

3. The Grade Pay of DDRs was revised to Rs. 4800 in July 2011 and according to the above G.O. dated 06.11.2013, post of the promotion was to be considered for granting the benefit of ACP to them and if the same was not available, then next higher Grade Pay along with the corresponding Pay Scale, was to be given as the ACP. The petitioners had got the first and second ACP under earlier G.Os., which in terms of the Pay scale of 6th Pay Commission worked out to Grade Pay of Rs. 5400 and Grade pay of Rs. 6600 with corresponding pay scales respectively. The controversy about the 3rd ACP has arisen because of the interpretation of the G.O. dated 06.11.2013 in their case. As per the initial G.O. dated 08.03.2011 about ACP, the 3rd ACP worked out to be next higher Grade Pay of Rs. 7600 along with corresponding pay scale of Rs. 15600-39100. Interpreting the G.O. dated 06.11.2013 and taking the next post of promotion as Conservator of Forests, the then PCCF (Principal Chief Conservator of Forests) held them entitled to Grade Pay of Rs. 8900 with corresponding pay scale but as it was becoming higher than the third ACP of directly appointed ACFs (Assistant Conservator of Forests), he reduced it to Grade Pay of Rs. 8700 with corresponding pay scale making it equal to third ACP of ACFs. Respondent No. 3 has held their fixation of third ACP to be wrong as per the advice of the Finance Department. The petitioners and other similarly placed persons have approached Hon'ble High Court and this Tribunal, who have issued various orders in the respective writ/claim petitions. The impugned orders in the present claim petition are orders of PCCF (Respondent No.3) refixing the third ACP of the petitioners with Grade Pay of Rs. 7600 with corresponding pay scale and recovery of excess amount paid to the petitioners, which are primarily sought to be quashed in the claim petitions. The claim petition No. 161/DB/2019 further seeks that orders be issued by this Tribunal to grant third ACP to the petitioners with grade pay of Rs. 8900 with corresponding pay scale.

12. We sought clarifications on the following two points:

- (i) The pay fixation procedure adopted for fixing the pay of the State Forest Service officers after their induction/promotion in IFS.
- (ii) Comparison of promotion opportunities of directly recruited Rangers to the posts of Deputy Director and DCF and the actual number of the directly appointed Rangers promoted to these posts since the inception of the State of Uttarakhand.

Respondent No. 3 vide his affidavit dated 16.10.2020 has informed that as per G.O. dated 27.02.2020, the 11 State Forest Officers (who originally joined and started their service as direct-recruit Rangers) were inducted into the Indian Forest Service. They were inducted at the level of Deputy Conservator of Forests in the senior time scale (which corresponds to grade pay of Rs. 6600) of the Indian Forest Service. Regarding promotion opportunities from the post of Ranger to Deputy Director, Rangers become eligible for promotion to the post of ACF after 8 years of service. Thereafter, on completing 8 years of service as ACF, they become eligible for promotion to the post of Deputy Director having grade pay of Rs. 6600. As far as opportunity for them to be inducted in IFS is concerned, on completing 8 years of service as ACF, they become eligible for induction (subject to their fulfilling the conditions/criteria of induction as given in relevant IFS Rules) into Indian Forest Service. Induction into IFS is limited to the maximum

age of 56 years. For induction into the IFS, the relevant rules are the IFS (Recruitment) Rules, 1966. Rule 8 of the said rules provides for recruitment by promotion from amongst State Forest Service Officers. The IFS (Appointment by Promotion) Regulation, 1966 sets the criteria/minimum benchmark for induction into IFS from State Forest Service. The minimum benchmark fixed is minimum 8 years of service in State Forest Service with preparation of lists with entry of 'Outstanding', 'Very Good' and 'Unfit' against each candidate being considered with the age limit of 56 years. He has also filed the list of direct recruit rangers who have been promoted as Deputy Director/inducted into the IFS from the date of creation of the State of Uttarakhand according to which 32 officers have been promoted as Deputy Director from 28.02.2018 to 21.04.2020. Out of these officers (Deputy Directors), 11 officers have been inducted/promoted into the IFS on 27.02.2020.

16. Respondent No. 3 has stated in his affidavit dated 31.10.2020 that the benefit of 3rd ACP to DDRs is to be determined in the light of G.O. dated 06.11.2013 read with clarification G.O. dated 28.11.2017, according to which grant of promotional pay scale as ACP is subject to the rider/condition that the criteria for promotion is seniority alone in the relevant services rules and where criteria for promotion is also based on merit/eligibility in addition to seniority, the promotional pay scale is not to be given. The contention of the petitioners that ACF, DCF and CF are their first, second and third posts of promotion, is wrong and misconceived. The correct fact is that in between the post of ACF and DCF, there is post of Deputy Director on which DDRs can be promoted. For induction from State Forest Service to IFS, the relevant rules are the IFS (Appointment by promotion) Regulations, 1966, according to which three categories of lists have been prescribed to be prepared 'Out Standing', 'Very Good' and 'Unfit' on the basis of service records and the selection has to be first from the 'outstanding' and then from 'very good'. This is clearly indicative of the minimum benchmark for induction into the IFS which is merit. The examples of Forest Guards, Foresters/Deputy Rangers are not applicable in the present matter because for promotion on these posts, the sole criteria, is seniority alone and all posts fall under the State Service. In the present matter, the question of admissible pay scale of DCF or CF arises only if the DDRs after competing qualifying services are automatically inducted into IFS merely on the basis of their seniority in the State Forest Service cadre. Reacting to the claim of petitioners that the Govt. of India, vide O.M. dated 08.02.2002 and 16.02.2005 have abolished the criteria of merit in the process of promotion, he has stated that these G.Os. are at the most guidelines having no force of law. The criteria of 'Outstanding', 'Very Good' and 'Unfit' was followed when the latest induction exercise into IFS for State Forest officers was conducted in the State of Uttarakhand. Respondent No. 3 has also reiterated some parts of his earlier replies submitted by means of Counter Affidavit and other affidavits, which are reproduced as below:

"After the G.O. dated 29.11.2018 was issued by the Additional Chief Secretary, the respondent No. 3 vide his letter dated 21.12.2018 requested the State Government to reconsider its earlier order dated 29.11.2018 with a copy of finance department. The State Government on such letter sought clarification from the Finance Department of the State Government. The Finance Department after considering all relevant facts cancelled the G.O. dated 29.11.2018 and held that the direct appointed Range Officers are entitled as 3rd A.C.P. the G.P. of Rs. 7600/- accordingly the G.O. dated 15.03.2019 was issued by the State Government. In the order dated 15.03.2019 it is specifically held that direct appointed Range Officers are entitled as 3rd ACP the G.P. of Rs. 7600/- and directed the respondent No. 3 to take appropriate decision accordingly".

"The personal opinion of earlier PCCF are not binding upon any authority. The post of promotions are governed by the provisions of law which in the present case are to be applied in the light of ACP scheme G.O. dated 06.11.2013 read with G.O. Dated 27.11.2017".

"So far the averments with regard to G.O. dated 11.04.2008 issued from the office of Additional Chief Secretary (Forest & Environment) directing the PCCF to grant G.P. Rs. 8900/- to the petitioner and others similarly situated, the PCCF referred the matter to the State Government with a copy of Finance Department since the Finance Department is height authority and its decision is final in the matters of fixation of ACP. The Secretary (Forest & Environment) vide his

letter dated 4/5.05.2018 addressed to Finance Department requested it to retain G.O. dated 11.04.2018 but as the same time left it open for the Finance Department to take its final decision on in the matter. The Finance Department vide its G.O. dated 04.05.2018 clarified that for the purpose of G.O. dated 06.11.2013 the post of promotion which is included in the cadre structure of the state employees under the relevant Service Rules can only be considered for the first, second and third ACP. It was made clear in the G.O. that where the post of promotion are not available in the cadre structure of the employees, only the next higher Grade Pay with its pay Matrix Table will be permissible for the purpose of fixing first, second and third ACP. It was specifically made clear in the same G.O. that in the implementation of the G.O. dated 06.11.2013, the post of promotion under All India Services are not included. On the basis of the G.O. dated 04.05.2018 the PCCF passed order dated 08.05.2018. The orders dated 04.05.2018 and 08.05.2018 were quashed by the Hon'ble Court on technique grounds but it is at the same time also evident that the G.O. dated 11.04.2018 was passed without approval of Finance Department and its execution was not possible in the absence of legal administrative procedure being followed and mandatorily complied with".

"So far the issue of jump in pay scale is concerned it is submitted that the petitioners have deliberately tried to mislead in the matter taking wrongful advantage of the fact that the scale of pay of the post Deputy Conservator of Forests (a post in the "Indian Forest Service" cadre) and Deputy Director (a post in the "Provincial Forest Service Cadre") are the same. Moreover, it is to be added that whereas for Forest Rangers (Petitioners), the first and second posts of promotion are defined being Assistant Conservator of Forests (ACF) and Deputy Director respectively, the third post of promotion is not defined by way of any service rule or executive order of the State Government. While the posts of ACF and Deputy Director are within the purview of State Service and hence the State Government, the post of Deputy Conservator of Forests is in the cadre of "Indian Forest Service" which is an "All India Service", controlled by the Central Government. The scheme of ACP (Assured Career Progression) is applicable only for employees of the State Government having basic pay up to 4800/- rupees and not beyond and for whom Service Rules/Executive orders/GOs of the State Government are applicable. This scheme of ACP as applicable to the State Government employees does not permit the scales of pay admissible to the posts under the All India Services. It is also noteworthy that the question of jump in scales has no relevance in this case where the post of promotions (first and second) are well defined. The Hon'ble Tribunal has dealt with the matter at length and delivered the judgment dated 06.12.2019 in Claim Petition No. 115/DB/2019 (Shiv Nath Singh) & others vs. State of Uttarakhand & others) in which it has been categorically held that the petitioners (in that petition) never got the scale DCF as the 2nd promotional pay scale. The same applies to the petitioners in the present petition also. The relevant para 31 of the judgment dated 06.12.2019 of the Hon'ble Tribunal quoted as under:

'In view of description above, we are not convinced by the argument of learned counsel for the petitioners that the Range Officers/State Forest Service Officers got the promotional pay scale of the post of DCF (an IFS post) under the Time Scale Promotion Scheme. By order dated 10.03.1995, it cannot be established that the Pay Scale of "promotion post" of DCF was given to the ACFs under the Time Scale Promotion Scheme. The order dated 10.03.1995 is too little and too far to show that the ACF got their Time Scale Promotion for the post of DCF. Further, after 10.03.1995 till date no record was presented by the petitioners to show that the Range Officers got their Second Time Scale for the post of DCF. Learned counsel for the petitioners has, therefore, failed to demonstrate that the Range Officers ever got the Pay Scale of "promotion post" DCF. We are, therefore, of the clear view that the petitioners have never got the benefit of Time Scale/ACP for the post of DCF.'

It is again clear from the above narrated facts that the petitioners were never given the pay scale of DCF as first promotional pay scale. Nor the petitioners have placed any evidence on record which proved that any DDR was given pay scale of DCF under IFS".

17. Supplementary Rejoinder Affidavit on behalf of the petitioners in Claim Petition No.161/DB/2019 has been filed on 04.11.2020, rebutting the submission of Mr. Jai Raj, who retired from the post of PCCF on 31.10.2020. This affidavit states that a unique situation has emerged in the present matter, where the view of Mr. Jai Raj, former PCCF is at logger heads with the view of the present PCCF, Head of Forest Department, Madam Ranjna Kala who has vide Annexure 62, page 403-407 of the claim petition clearly stated that the post of Conservator of Forests is the third post of promotion for the DDR cadre. Besides repeating many of their earlier submissions and arguments, at many places they have written that Mr. Jai Raj is talking about a non-existent order dated 27.11.2017 (Actually Mr. Jai Raj is talking about G.O. dated 28.11.2017). Regarding the averment of PCCF in his affidavit dated 31.10.2020 that between the post of ACF and DCF, there is post of Deputy Director, on which DDR can be promoted, the petitioners have submitted that there is no post in between ACF and DCF and any ACF completing 8 years of service becomes eligible for being promoted to the post of DCF. If any ACF after completing 8 years of service crosses the age of 56 years, he cannot be promoted to the post of DCF but he can still be promoted to the post

of Deputy Director. The DCF and Deputy Director both hold the charge of forest division and are equivalent posts. It is also vehemently denied that any criteria of “merit” was followed in the exercise of promotion from the post of ACF to the post of DCF.

18. We have perused the pleadings of the parties and heard both the sides. As far as the interpretation of the G.O. dated 06.11.2013 in respect of the petitioners is concerned, there have been differences of opinion between Principal Chief Conservators of Forests, Forest Department and the Finance Department. However, the G.Os. issued by the Forest Department acting with the consultation of the Finance Department have always held that Grade Pay of Rs. 7600 is admissible to the Rangers (DDRs) as their 3rd ACP. A G.O. of the Finance Department has also said that posts of All India Services are not to be taken into consideration for ACP. Many G.Os. and orders of PCCF have been superseded by subsequent G.Os. or quashed/set aside by the Hon’ble High Court with direction to consider the issue afresh in accordance with law. Even in the affidavits filed by the respondents in Claim Petition No. 161/DB/2019, there are certain differences of opinion, but none of these affidavits agree to the 3rd ACP of the petitioners to be given with Grade Pay of Rs. 8900 or Rs. 8700.

We find it proper to thoroughly examine the provisions of the G.O. of the Finance Department dated 06.11.2013, whose interpretations have given rise to the entire controversy and not to consider any subsequent G.Os. issued by the Finance Department or Forest Department or any orders of PCCF. We are objectively going to conclude as to what should be the 3rd ACP admissible to the petitioners in view of the G.O. dated 06.11.2013. We have given full opportunity of hearing to the petitioners and respondents and after careful consideration, we come to the following conclusions:

i. It is conclusively held that the first post of promotion for Rangers (DDRs) is ACF as provided in the U.P. Forest Service Rules, 1993.

ii. Rule 4 of the U.P. Forest Service Rules, 1993 is as follows:-

“4. (1) सेवा की सदस्य संख्या और उसमें प्रत्येक श्रेणी के पदों की संख्या उतनी होगी जितनी सरकार द्वारा अवधारित की जाय।

(2) जब तक कि उपनियम (1) के अधीन परिवर्तन करने के आदेश न दिये जायें, सेवा की सदस्य संख्या और उसमें प्रत्येक श्रेणी के पदों की संख्या उतनी होगी जितनी नीचे दी गयी है:-

पद का नाम	पदों की संख्या		
	स्थायी	अस्थायी	योग
सहायक वन संरक्षक	97	63	160

परन्तु:

(एक) नियुक्ति प्राधिकारी किसी रिक्त पद को बिना भरे हुए छोड़ सकता है या उसे आस्थगित रख सकता है, जिससे कोई व्यक्ति प्रतिकर का हकदार न होगा।

(दो) राज्यपाल ऐसे अतिरिक्त स्थायी या अस्थायी पदों का सृजन कर सकते हैं, जिन्हें वह उचित समझे।”

Proviso (2) to this Rule empowers the Governor to create posts, as he deems fit.

The posts of Deputy Director in the undivided State of U.P. were created vide G.O. dated 30.06.1998 by the Govt. with the approval of the Governor. Therefore, the posts of Deputy Director were validly created under these service rules and after the bifurcation of the State, posts of Deputy Directors have existed in the State of Uttarakhand and promotions thereto have been made from ACFs as is evident from the promotion order dated 14.08.2013 mentioned in Para no. 10 above. Though all the persons promoted vide this order were directly appointed

ACFs (as clarified by Ld. A.P.O.), but it does not mean that the second promotion opportunity to the post of Deputy Director was not available to the Rangers (DDR) after their first promotion opportunity as ACF at that time. As promoted ACFs, they were eligible for further promotion to the post of Deputy Director at that time, which was the next promotion post for all ACFs. It could have been due to the directly appointed ACFs being senior, that Rangers (DDR) got their second promotions to the post of Deputy Director only in 2018 and afterwards, but it does not mean that this promotion opportunity did not exist for them earlier. Petitioners are wrongly projecting this opportunity to have come only after the amendment of the State Forest Service Rules in 2017. Promotion opportunity to the post of Deputy Director existed as first promotion opportunity for directly appointed ACFs and second promotion opportunity for Rangers (DDR) before issuance of the G.O. dated 06.11.2013, as is evident by the promotion order dated 14.08.2013. Similarly, after the creation of State of Uttarakhand, the Rangers/DDR got the opportunity of induction/promotion into IFS only in the year of 2020 but it does not mean that promotion/induction opportunity into IFS was not available to them in earlier years.

It is to be noted that since the inception of the State, 32 DDRs got promoted as Deputy Directors and out of these 32 Deputy Directors, 11 officers were inducted/promoted into the IFS. These DDRs were already drawing Grade Pay of Rs. 6600 or more (as third ACP) and it was a sort of lateral entry for them into IFS with the same Grade Pay of Rs.6600 to the post of DCF, with their earlier salary being protected in the pay fixation. It is not to say that this is the normal channel of induction/promotion into the IFS and DDRs after their promotion as ACF can be straight away inducted into the IFS and the present situation has emerged because of cadre mismanagement. But however, this shows that promotion opportunities for DDRs to the posts of Deputy Director are more than the promotion opportunities to the post of DCF in IFS cadre. For appointment to the post of ACF, there is 50% promotion quota for promotion of Rangers/DDR and remaining 50% appointments are by direct recruitment. All ACFs (including promoted DDRs) have the opportunity of promotion to the post of Deputy Director till their retirement, while opportunities for induction/ promotion to IFS ceases after the age 56 years. While, all ACFs are eligible for further promotion to the post of Deputy Director and other further posts created in the latest rules of 2017, the promotion quota for them in the IFS is only 33⅓% of which only half of this opportunity becomes available to the Rangers/DDR and that too becomes restricted by the upper age limit of 56 years. The appointment orders to the Indian Forest Service are issued by the Govt. of India. One such order is available at Annexure: R-A2 in Claim Petition No. 43/NB/DB/2019.

With the above observations, we hold that since the inception of the State of Uttarakhand, for Rangers (DDR), there have been two posts of second promotion-the first one being Deputy Director in the State Forest Service and second one being DCF in the Indian Forest Service, both in the grade pay of Rs. 6600.

iii. There is no ambiguity in the ACPs of the directly appointed ACFs whose Grade Pay is Rs. 5400 and the first, second and third ACP are with Grade Pay of Rs. 6600, 7600 and 8700 as per Pay Matrix Table of the 6th Pay Commission. Promotional posts are not considered for them for grant of ACP because their initial Grade Pay is more than Rs. 4800.

iv. The relevant para of the G.O. dated 06.11.2013 is as follows:

“2-शासन द्वारा विचारोपरान्त लिये गये निर्णय के क्रम में मुझे यह कहने का निदेश हुआ है कि राज्य कर्मचारियों के लिये ए०सी०पी० की लागू पूर्व व्यवस्था के स्थान पर रू० 4800 ग्रेड वेतन या उससे न्यून पाने वाले मौलिक रूप से नियुक्त राज्य कर्मचारियों के लिए जहां पदोन्नति का पद उपलब्ध है, वहाँ पदोन्नति के पद का ग्रेड वेतन एवं सुसंगत वेतन बैंड वैयक्तिक रूप से पदोन्नतीय वेतनमान के रूप में तथा जहां पदोन्नति का पद उपलब्ध नहीं है वहाँ शासनादेश संख्या-395/XXVII(7)/2008 दिनांक 17 अक्टूबर,

2008 के संलग्नक-1 में उपलब्ध तालिका के अनुसार अगला ग्रेड वेतन एवं सुसंगत वेतन बैंड वैयक्तिक रूप अगले वेतनमान के रूप में दिनांक 01 नवम्बर 2013 से संशोधित व्यवस्था के अन्तर्गत तत्काल प्रभाव से अनुमन्य किये जाने की श्री राज्यपाल सहर्ष स्वीकृति प्रदान करते हैं।”

Above stipulation of the post of promotion is too general and liable to interpretation in different ways. It has not been made clear whether the post of promotion should be in the same service rules under which the substantive appointment has been made or it can also be under different service rules. The above also does not spell out that for every ACP, the post of promotion will be considered even when after the first ACP, the grade pay becomes more than Rs. 4800. For Rangers (DDRs) after the first ACP on the basis of their post of promotion (ACF), their grade pay becomes Rs. 5400. The question arises that for 2nd and 3rd ACP why should the further posts of promotion be considered for them and why not the next Grade Pays of Rs. 6600 and 7600 be granted as the 2nd and 3rd ACPs, as is done in granting the 1st and 2nd ACPs to ACFs.

v. We put it to the learned counsel for the petitioners in C.P. No. 161/DB/2019 that why should the posts of promotion be considered for granting 2nd and 3rd ACP to Rangers (DDRs) when after the first ACP, their pay scale becomes Rs. 5400 while, it is not explicitly mentioned in the G.O. dated 06.11.2013 that after crossing the Grade Pay of Rs. 4800, for further ACPs, the posts of promotion will be considered. His reply was that it is being done like that only in every department.

vi. In the Indian Forest Service Pay Rules, 2007 after senior time scale having Grade Pay of Rs. 6600, the next promotion is to Junior Administrative Grade having Grade Pay of Rs. 7600 and then to Selection Grade, having Grade Pay of Rs. 8700 followed by further promotion to the post of Conservator of Forests with Grade Pay of Rs. 8900.

vii. The petitioners are claiming that in view of the rulings of the Hon'ble Apex Court, the next promotion post after DCF in the Indian Forest Service is only C.F. and the other two scales in between, are mere financial upgradations. According to the petitioners after first promotion post of ACF, their second promotion post is DCF and 3rd promotional post is C.F. with Grade Pay of Rs. 8900 which should be admissible to them as the 3rd ACP.

viii. The basic G.Os. for ACP are issued by the Finance Department and their view on the issues involved therein are binding on other departments. The Finance Department has consistently held that 3rd ACP admissible to the petitioners, is with Grade Pay of Rs. 7600.

ix. Rangers (DDRs) have two posts for second promotion i.e. Deputy Director in State Forest Service and DCF in the Indian Forest Service, both having the Grade Pay of Rs. 6600. Then it should be the choice of the sanctioning authority to consider one of the posts as the promotion post for grant of second ACP. The sanctioning authority is well within its right to consider their second post of promotion as Deputy Director and thereby grant Grade Pay of Rs. 6600 as second ACP.

x. Since there was no further promotion post beyond Deputy Director in the State Forest Service Rules at that time, the next Grade Pay of Rs. 7600 is correct to be given as 3rd ACP. Even after the creation of further posts of Joint Director and Additional Director in the State Forest Service, the Grade Pay of Joint Director is Rs. 7600.

xi. It is to be kept in mind that granting ACP is not an actual promotion but compensation in lieu of promotion. Even if, DCF is considered to be the second promotional post for Rangers (DDRs), that post belongs to Indian Forest Service wherein appointment is made by the Government of India.

According to the promotion structure in the Indian Forest Service, the next promotion is to Junior Administrative Grade with Grade Pay of Rs. 7600 only. Even according to this logic, 3rd ACP for Rangers (DDRs) should be with Grade Pay of Rs. 7600. There is no need to go into the argument whether Junior Administrative Grade of IFS and further promotional grade of Rs. 8700 (selection grade) are financial upgradations and not promotions and the next promotion is only to the post of C.F. with Grade Pay of Rs. 8900. Even assuming this to be correct, this post of C.F. as the third promotional post is not necessary to be considered for the third ACP of Rangers (DDRs). While directly appointed ACFs with initial Grade Pay of Rs. 5400 are getting the 3rd ACP with Grade Pay of Rs. 8700, no logic, which makes their Junior Rangers (DDRs) with initial Grade Pay of Rs. 4800 to get a higher Grade Pay of Rs. 8900 as 3rd ACP, can be acceptable. It is not necessary to consider the post of promotion for the 3rd ACP, if it leads to an ambiguous situation. The G.O. dated 06.11.2013 does not prescribe the same and in such a case the next higher grade pay and corresponding pay scale in the pay matrix can be granted as the 3rd ACP which again comes to the Grade Pay of Rs. 7600 with corresponding pay scale.

xii. The government's intention in issuing the G.O. dated 06.11.2013 was to give better Grade Pay/pay scales than next Grade Pay/pay scales of the Pay Matrix Table to the persons initially appointed with Grade Pay of Rs. 4800 or less, but it could never have been to lay down a stipulation which gets more Grade Pay/pay scale as compared to their seniors, who were initially appointed with Grade Pay of more than Rs. 4800. It is perhaps, therefore, not clearly mentioned that if, after first or second ACPs, the Grade Pay of such persons exceed Rs. 4800, even then for the next ACP, further posts of promotion shall be considered. Even when two different posts of promotion are available, that post should be considered which does not lead to ambiguity. Moreover, as the opportunity of second promotion for Rangers (DDRs) to the post of Deputy Director is greater than their opportunity to get inducted into the IFS, therefore, the posts of Deputy Directors should be the first choice for consideration of grant of second ACP. IFS is a service of the Govt. of India wherein the provision of transfer to other State cadre in public interest or on the officer's own request is also there as stated in Rule 6 of The Indian Forest Service (Regulation of Seniority) Rules, 1997 annexed as Annexure P-1 to petitioners' Supplementary Affidavit dated 26.10.2020 for clarification, filed in Claim Petition No. 161/DB/2019. Therefore, the normal promotion channel for Rangers (DDRs) is that of the State services only and induction/promotion into the IFS cannot be considered as the usual promotion channel for Rangers (DDRs).

Under these circumstances, after the first promotional post for DDRs as ACF, the second promotional post should be taken as Deputy Director and since there was no further promotion post available in the state service rules at that time, the next grade pay of Rs. 7600 is correct to be given as 3rd ACP.

xiii. The petitioners have also given the example of Junior Engineers who have been granted 3rd ACP as the pay scale of the Superintending Engineer with Grade Pay of Rs. 8700. Their case is firstly of a different department and secondly, distinguishable from the case of the Rangers/DDRs for the following reasons:

(a) No All India Service is involved in the case of the Engineers and all the concerned promotion posts are of the State services.

(b) When the Junior Engineers were granted 3rd ACP as the pay scale of Superintending Engineer then the Grade Pay of the post of Superintending Engineer was Rs. 7600 and they were given this grade pay and corresponding pay scales only as 3rd ACP. Subsequently, when the pay scale of the post of Superintending Engineer was revised with Grade Pay of Rs. 8700 and corresponding pay scale, the Junior Engineers were also granted the same as 3rd ACP.

(c) Even after this revision of the pay scale and Grade Pay and with Junior Engineers getting 3rd ACP with Grade Pay of Rs. 8700, their 3rd ACP did not become more than the 3rd ACP of their superior directly appointed Assistant Engineers.

Therefore, this example is not relevant to the present case in hand.

xiv. The petitioners in Claim petition No. 161/DB/2019 have also pressed the point that the initial G.O. of ACP dated 08.03.2011 allows the junior officers to be entitled to a grade pay higher than the senior officers. In our view, this can happen in certain individual cases, *e.g.* when the senior has put in lesser years of service than a junior officer and the junior officer by virtue of longer service gets more ACPs/increments than the senior officer. It cannot be interpreted to allow a situation when the 3rd ACP of all the Rangers/DDR's which they get after 26 years of service, can be more than the 3rd ACP of their senior directly recruited ACFs after 26 years of service.

xv. On the basis of the above analysis, we hold that 3rd ACP of Rangers (DDR's) should be with Grade Pay of Rs. 7600 and corresponding pay scale.

xvi. The impugned orders of PCCF do not consider alternative interpretations of the G.O. 06.11.2013, but the conclusion about the entitlement of the 3rd ACP with Grade pay of Rs. 7600 with corresponding pay scale, is correct.”

18. It is clear from the above that after the impugned order dated 27-07-2016, many orders have been issued by the Government and Hon'ble Courts in the matter of grant of third ACP to the Rangers. The petitioners may make a fresh representation to the Govt. demanding parity with similarly situated employees.

19. The Addl. Chief Secretary, Forest & Environment, Govt. of Uttarakhand shall take a suitable decision on the same, in accordance with law, within a period of two months after receipt of such representation along with certified copy of this order.

20. The petition is disposed of with the above observations. No order as to costs.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: MAY 15, 2023
DEHRADUN

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