

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCHATNAINITAL**

Present: Hon'ble Mr. Rajendra Singh

----- Vice Chairman (J)

Hon'ble Mr. Rajeev Gupta

----- Vice Chairman (A)

CLAIM PETITION NO. 105/NB/DB/2023

1. Uma Koranga (Female, A/a 45 Years) D/o Sri. Bhuwan Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Dagri, Block- Kapkot, District- Bageshwar.
2. Bhupal Singh (Male, A/a 49 Years) S/o Sri. Chandra Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Basni, Block- Kapkot, District- Bagshwar.
3. Govindi Jakhanyal (Female, A/a --) W/o Sri. --, presently serving as Assistant Teacher (Primary), Government Primary School, Block- Kapkot, District- Bageshwar.
4. Kavita Karki (Female, A/a 42 Years) W/o Sri. Kedar Singh Karki, presently serving as Assistant Teacher (Primary), Government Primary School, Kafli Kameda, , Block- Kapkot, District- Bageshwar.
5. Mahipal Singh (Male, A/a 48 Years) S/o Sri. Ram Singh , presently serving as Assistant Teacher (Primary), Government Primary School, Umla, Block – Kapkot, District- Bageshwar.
6. Mohani Nagarkoti (Female, A/a 42 Years) W/o Sri. Harish Singh Nagarkoti , presently serving as Assistant Teacher (Primary), Government Primary School, Patak, Block- Kapkot, District- Bageshwar.
7. Basanti Danu (Female, A/a 448 Years) W/o Sri. Govind Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Unnia, Block- Kapkot, District- Bageshwar.
8. Harish Singh (Male, A/a 48 Years) S/o Sri. Bishan Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Tarmoli, Block- Kapkot, District- Bageshwar.
9. Daya Upreti (Female, A/a 47 Years) W/o Sri Satish Chandra Upreti, presently serving as Assistant Teacher (Primary), Government Primary School, Thanga, , Block- Bageshwar, District- Bageshwar.
10. Ganga Bisht (Female, A/a 41 Years) W/o Sri. Naveen Bisht, presently serving as Assistant Teacher (Primary), Government Primary School, Hanyoli, Block – Bageshwar, District- Bageshwar.
11. Vidya Mehta (Female, A/a 41 Years) W/o Sri. Dinesh Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Chanbodi, Block- Bageshwar, District- Bageshwar.

12. Pan Singh (Male, A/a 46 Years) S/o Sri. Dharam Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Parkhet, Block-Bageshwar, District- Bageshwar.
13. Champa Mehta (Female, A/a 55 Years) W/o Sri. Hayat Singh Mehta, presently serving as Assistant Teacher (Primary), Government Primary School, Myunaghar Sahu, Block- Bageshwar, District- Bageshwar.
14. Prema Lohani (Female, A/a 53 Years) W/o Sri. Hem Chand Lohani, presently serving as Assistant Teacher (Primary), Government Primary School, Lobanj, Block – Garud, District- Bageshwar.
15. Rajendra Singh (Male, A/a 49 Years) S/o Sri. Meherban Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Lohagadi, Block – Garud, District- Bageshwar.
16. Neema Pant (Female, A/a 48 Years) D/o Sri. Bhuwan Chandra, at present serving as Assistant Teacher (Primary), Government Primary School, Majehra, Kapkot, District- Bageshwar,

.....Petitioners

Versus

1. State of Uttarakhand through Secretary, Education, Government of Uttarakhand, Dehradun.
2. Director (Elementary Education), Government of Uttarakhand, Dehradun.
3. Additional Director (Elementary Education), Kumaun Mandal, Nainital.
4. Deputy Education Officer, Kapkot, District- Bageshwar.
5. Deputy Education Officer, Garud, District- Bageshwar.
6. Deputy Education Officer, Bageshwar, District- Bageshwar.

.....Respondents

Present: Sri Manish Bisht, Advocate for the petitioners
Sri Kishore Kumar, A.P.O., for the State respondents

JUDGMENT

DATED: JULY 10, 2023

Mr. Rajeev Gupta, Vice Chairman(A) (Oral)

This claim petition has been filed for the following reliefs:

“i) Issue order or direction, directing the respondent authorities to grant the benefit of pay increment and other service benefits (which the counterparts of the petitioners working as regular Assistant Teacher (Primary) are getting).

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

iii) *Award the cost of the petition in favour of the applicants."*

2. Heard learned Counsel for the petitioners and learned A.P.O.

3. Petitioners' contention is that they were initially engaged as *Shiksha Mitra* in different Schools and consequently, in compliance of the orders of Hon'ble High Court, they were given provisional appointment on the post of Assistant Teacher (Primary School) in the pay scale of Rs. 9300-34800, Grade Pay Rs. 4200/-, but further increments and service benefits are not being provided to them except granting the pay fixation according to the 7th Pay Commission. Their representation dated 05.04.2023, addressed to the respondent no. 2 in this regard has not been decided so far and orally they have been told that since their appointment is provisional, such benefit cannot be given to them. Learned Counsel for the petitioners has confined his prayer to the extent that the representation dated 05.04.2023 of the petitioners may kindly be directed to be decided by the respondent no. 2 at an early date by a reasoned and speaking order.

4. The Tribunal without going into the merits of the case deems it appropriate to direct respondent no. 2, to decide the pending representation dated 05.04.2023 of the petitioners within a period of two months after presentation of certified copy of this order along with fresh copy of the representation, by a reasoned and speaking order.

5. The claim petition thus stands disposed of, at the admission stage itself. No order as to costs.

(RAJENDRA SINGH)
VICECHAIRMAN(J)

(RAJEEVGUPTA)
VICE CHAIRMAN (A)

DATE: JULY 10, 2023

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