

**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)

CLAIMPETITIONNO. 124/ DB/2023

1. Balwant Singh (Male, A/a 42 Years) S/o Sri. Prem Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Kaanti Okhal, Tharali, District- Chamoli.
2. Birendra Singh (Male, A/a 52 Years) S/o Sri. Gyan Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Kothara, Narayanbarad, District- Chamoli.
3. Dhirendra Singh (Male, A/a 45 Years) S/o Sri. Heera Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Paiti, Narayanbarad, District- Chamoli.
4. Neema Devi (Female, A/a 44 Years) W/o Sri. Rajendra Singh Rana, presently serving as Assistant Teacher (Primary), Government Primary School, Dhanipadi, Tharali, District- Chamoli.
5. Maheswari (Female, A/a 43 Years) W/o Sri. Prithvi Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Bula, Tharali, District- Chamoli.
6. Nirmala Devi (Female, A/a 41 Years) W/o Sri. Mahipal Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Banela, Narayanbagad, District- Chamoli.
7. Rajendra Singh (Male, A/a 46 Years) S/o Sri. Kanchan Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Bharad, Deval, District- Chamoli.
8. Leela Devali (Female, A/a 42 Years) D/o Sri. Baladutt, presently serving as Assistant Teacher (Primary), Government Primary School, Kurarani, Gairsain, District- Chamoli.
9. Virendra Singh Bhandari (Male, A/a 48 Years) S/o Sri. Kamal Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Naul (Etha), Pokhari, District- Chamoli.
10. Madbar Singh (Male, A/a 50 Years) W/o Sri. Hukum Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Dandagair, Pokhari, District- Chamoli.

11. Neelam Devi (Female, A/a 44 Years) D/o Sri. Harendra Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Bhaiduni, Narayan Bagad, District- Chamoli.
12. Vikram Singh (Male, A/a 44 Years) W/o Sri. Pushkar Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Pokhani, Joshimath, District- Chamoli.
13. Nirmal (Female, A/a 42 Years) W/o Sri. Yashdeep Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Dungi, Augustmuni, District- Rudraprayag.
14. Geeta Kandari (Female, A/a 36 Years) D/o Sri. Bhajan Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Thapaldhar, District- Rudraprayag.
15. Mandodhari Rautela (Female, A/a 58 Years) W/o Sri. Surendra Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Sorakapna, Jakholi District- Rudraprayag.
16. Jyoti Maikhuri (Female, A/a 43 Years) W/o Sri. Sashibhusan, presently serving as Assistant Teacher (Primary), Government Primary School, Bharani, Karnprayag, District- Chamoli.
17. Meena Rawat (Female, A/a 44 Years) D/o Sri. Anand Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Gaurbaram, Tharali, District- Chamoli.
18. Sessa Chauhan (Female, A/a 48 Years) D/o Sri. Satendra Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Sarbholakhaal, Pokhari, District- Chamoli.
19. Kunwar Singh (Male, A/a 51 Years) S/o Sri. Kotwal Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Seenkh, Nandanagar (Ghat), District- Chamoli.
20. Shakuntala Devi (Female, A/a 47 Years) W/o Sri. Ganga Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Virduda, Narayanbagad, District- Chamoli.
21. Sushila Bisht (Female, A/a 46 Years) W/o Sri. Jaikrit Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Bautha Khateda, Augustmuni, District- Rudraprayag.

.....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), Garhwal Mandal, , Pauri Grahwal.
4. District Education Officer (Elementary Education), Chamoli.
5. District Education Officer (Elementary Education), Rudraprayag.
6. Deputy Education Officer, Dewal, District- Chamoli.
7. Deputy Education Officer, Tharali, District- Chamoli.
8. Deputy Education Officer, Narayan Bagad, District- Chamoli.
9. Deputy Education Officer, Karnprayag, District- Chamoli.

10. Deputy Education Officer, Joshimath, District- Chamoli.
11. Deputy Education Officer, Pokhari, District- Chamoli.
12. Deputy Education Officer, Nanda Nagar Ghat, District- Chamoli.
13. Deputy Education Officer, Gairsain, District- Chamoli.
14. Deputy Education Officer, Dasauli, District- Chamoli.
15. Deputy Education Officer, Jakholi, District- Rudraprayag.
16. Deputy Education Officer, Augustmuni, District- Rudraprayag.
17. Deputy Education Officer, Okhimath, District- Rudraprayag.

.....Respondents

Present: Sri Manish Bisht, Advocate for the petitioners (online)
Sri V.P.Devrani, A.P.O., for the State respondents.

JUDGMENT

DATED: JULY 12, 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.*
- lii) Award the cost of the petition in favour of the applicants.”*

2. Heard Ld. Counsel for the petitioners and Ld. 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 30.03.2023, 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 30.03.2023 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 30.03.2023 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.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN
(virtually)

DATE: JULY 12, 2023
DEHRADUN

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