

**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)

CLAIM PETITION NO. 126/SB/2023

Tirath Singh, aged about 63 years, s/o Late Sri Mamchand, Retired Senior Clerk, Uttarakhand Transport Corporation, Hill Depot, Dehradun, r/o Village Naya Gaon, P.O. Nukud, District, Saharanpur, U.P., presently r/o 271, MDDA Colony, District Dehradun, Uttarakhand.

.....Petitioner

VS.

1. State of Uttarakhand through Secretary, Transport, Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Managing Director, Uttarakhand Transport Corporation, H.Q. UCF Sadan, Vishnu Vihar, Deepnagar Road, Ajabpur Kalan, Dehradun.
3. Finance Controller, Uttarakhand Transport Corporation, H.Q. UCF Sadan, Vishnu Vihar, Deepnagar Road, Ajabpur Kalan, Dehradun.
4. Regional Manager (Operation), Uttarakhand Transport Corporation, 66, Gandhi Road, Dehradun.
5. Assistant General Manager (Finance) Uttarakhand Transport Corporation, 66, Gandhi Road, Dehradun.

....Respondents.

Present: Sri L.K.Maithani, Advocate, for the petitioner.

Sri V.P.Devrani, A.P.O., for the Respondent State.

JUDGMENT

DATED: JULY 18, 2023

Justice U.C.Dhyani (Oral)

By means of present claim petition, petitioner prays to direct the respondents to pay the petitioner traveling allowance and allowance for returning home after retirement, amounting to Rs. 70,000/- + 22,000/- total Rs. 92,000/- along with interest on delayed payment, as per rules.

2. The petitioner was initially appointed as Conductor on 01.05.1989 in the Respondent Corporation. Before his retirement on 31.07.2019, he was working on the post of Senior Clerk. It is the submission of Ld. Counsel for the petitioner that the employees of the department are entitled to traveling allowance as per the Government Orders/ Departmental Rules. The petitioner performed the duties of Traffic Inspector *w.e.f.* 2014 to 2017. He submitted travel bills for each month from January, 2014 to April 2017. The total amount of such travel bills is approximately Rs. 70,000/-.

3. It is the submission of Ld. Counsel for the petitioner that a retired employee is also entitled to travelling allowance after his/her retirement for returning to his/ her native place.

4. Petitioner has made representation and has also sent legal notice dated 11.05.2023 to respondents for payment of his travelling allowance and the allowance for returning home after his retirement, but no action has been taken by the department as yet.

5. Petitioner's prayer, therefore, is that a direction be given to the Respondent Corporation to decide the representation of the petitioner, which will be filed by him within four weeks.

6. Ld. A.P.O. vehemently objected to the maintainability of the claim petition *inter alia* on the ground that the same is barred by limitation in view of Section 5(1)(b)(i) of the U.P. Public Services (Tribunal) Act, 1976.

7. It will be pertinent to mention here that the limitation is for the Tribunal(s) and Court(s) and not for the Government/ Corporation(s) and, therefore, the Tribunal, without going into the merits of the case, directs the appropriate authority in Respondent Corporation to decide the representation

of the petitioner, in accordance with law, by a reasoned and speaking order without unreasonable delay, preferably within eight weeks of presentation of certified copy of this order along with representation. Innocuous prayer of Ld. Counsel for the petitioner is thus accepted. The Tribunal does not think it necessary to issue notice to the Respondent Corporation in the backdrop of the above noted facts.

8. The claim petition is disposed of at the admission stage. No order as to costs.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)
(virtually)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JULY 18, 2023.
DEHRADUN

VM