

**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. 135/DB/2023

Gajendra Singh Chauhan, aged about 63 years, s/o Late Sri Pratap Singh Chauhan, r/o Unnati Vihar, Lower Nathanpur, Dehradun, Uttarakhand.

.....Petitioner

VS.

1. State of Uttarakhand through Secretary, Secretariat Administration, Uttarakhand Secretariat, Subhash Road, Dehradun, Uttarakhand.
2. Managing Director, Garhwal Mandal Vikas Nigam, 74/1, Rajpur Road, Dehradun.

....Respondents.

Present: Dr. N.K.Pant, for the petitioner. (*virtually*)
Sri V.P.Devrani, A.P.O., for the Respondent No.1.

JUDGMENT

DATED: AUGUST 02, 2023

Justice U.C.Dhyani (Oral)

By means of present claim petition, the petitioner seeks the following reliefs:

“(i) Issue an order or direction calling for the record and to direct the respondent to set aside the order no. 614 dated 25-07-2023 as well as pay

the pension to the petitioner without further delay along with interest @9% p.a. thereon till the actual payment is made.

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

(iii) Award the cost of claim petition to the Petitioner.”

2. The petitioner is retired Review Officer of Uttarakhand Secretariat. He was an employee of Garhwal Mandal Vikas Nigam Limited (for short, GMVN) before his services were absorbed in Uttarakhand Secretariat under the Absorption Rules, 2002. The petitioner prayed that a sum of Rs. 1,37,477/-, which was deposited/contributed by GMVN during his tenure of service in GMVN, be released to him with interest.

3. In the impugned order dated 25.07.2023 (Annexure: A 1), a reference of Rule 6 (7) of the *Uttarakhand Sachivalaya Vayaktik Sahayak, Avar Varg Sahayak, Sahayak Lekhakar, Tankak, Anusevak Ke Padon Per Sammviliyan Niyamwali, 2002* has been given to hold that as per the aforesaid Rules, it is not possible to release employer's contribution (in favour of the petitioner. *Prima facie*, there appears to be no infirmity in such order

4. It is the submission of Ld. Counsel for the petitioner that despite taking pension contribution, the employees of GMVN are not being paid pension. It is also the submission of Ld. Counsel for the petitioner that the employees of Uttarakhand Transport Corporation and Nagar Palika Parishad are being paid pension, but the employees of GMVN and KMVN are not being paid the same.

5. Ld. A.P.O. vehemently opposed the maintainability of the claim petition, *inter alia*, on the ground that it is not a PIL and the controversy raised in the claim petition by Ld. Counsel for the petitioner may be resolved by the Government only by taking a policy decision, in accordance with law.

6. Present petition has precisely been filed for paying pension to the petitioner. According to Ld. A.P.O., services of GMVN employees are not pensionable. They are not entitled to any pension.

7. The claim petition is disposed of by making a request to the respondents to take an appropriate decision, if they so like, whether the employees of GMVN and KMVN should be granted pension or not.

8. The claim petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties, by making a request to the respondents to take an appropriate decision, if they so like, on grant or non-grant of pension to the employees of GMVN and KMVN, in accordance with law. No order as to costs.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: AUGUST 02, 2023.
DEHRADUN

VM