

**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. 138/DB/2023**

Surat Singh Rawat, aged about 62 years, s/o Late Shri Den Singh Rawat, r/o Near Former Hans Foundation Office, Muni-ki-reti, Rishikesh, Tehri Garhwal, Uttarakhand.

.....Petitioner

**VS.**

1. State of Uttarakhand through Principal Secretary, Finance, Civil, Secretariat, Dehradun.
2. Commissioner, Rural Development, Uttarakhand Government, Dehradun.

....Respondents.

Present: Sri M.C.Pant (online) & Sri Abhishek Chamoli, Advocates,  
for the petitioner.  
Sri V.P.Devrani, A.P.O., for the Respondent No.1.

**JUDGMENT**

**DATED: AUGUST 08, 2023**

**Justice U.C.Dhyani (Oral)**

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

*“I. To issue order or direction to the respondents to allow the benefit of 3<sup>rd</sup> ACP on Grade pay Rs. 6600/- as per the Government Order dated*

*19/04/2017 and 06/08/2015 after calling the entire record from the respondent and declare the act of the respondents to deny the benefit of 3<sup>rd</sup> ACP which was provided to similarly situated persons after completion of 26 years of service, whereas the petitioner who was appointed in 1986 was denied the same on frivolous grounds, which is per se illegal, arbitrary, irrational, discriminatory in nature which is impermissible in law and to mould the prayer appropriately keeping in view the facts highlighted in the body of the petition and further to direct the respondent to grant the benefit by refixing his pay and to revise the pension and other service benefits accordingly and also other arrears and consequential benefits with 18% interest had it been the order was never in existence, keeping in view the facts highlighted in the body of the petition or to mould the relief appropriately in favor of the applicant by protecting the livelihood of the applicant.*

*2) Any other relief which the Court may deem fit and proper in the circumstances of the case.*

*3) Cost of the petition.”*

2. Facts, in brief of the claim petitioner are that, the petitioner was appointed on 06.01.1986 as Accountant, on temporary basis for a period of one year (probationary period) in the pay scale of Rs.570-1100/- in District Rural Development Agency, Tehri Garhwal. Secretary, Rural Development Department, issued G.O. dated 06.08.2015 for arrangement of ACP for the employees posted in Rural Development Agencies. But, in the mandate, the provision of the ACP was allowed to the Junior Accounts Clerks/ Assistant Accountants, and no instructions were circulated for arrangement of ACP for the Accountants, therefore, the Accountants posted in Rural Development Agencies could not get the benefit of ACP scheme.

2.1 The petitioner, moved representation to the Secretary, Rural Development, to remove the discrepancy in the facilities under the ACP scheme to the Accountants posted in the District Rural Development Agency (Annexure: 4), but to no avail.

2.2 Petitioner, after attaining the age of superannuation has retired on 30.04.2021 from service.

3. After arguing the petition at some length, Ld. Counsel for the petitioner confined his prayer only to the extent that the Respondent Department may kindly be directed to decide petitioner's representation, in accordance with law, at the earliest. Ld. A.P.O. has no objection to such innocuous prayer.

4. Without prejudice to rival contentions, the claim petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties, by directing the competent authority to decide the representation of the petitioner, by a reasoned and speaking order, in accordance with law, without unreasonable delay, on presentation of certified copy of this order along with fresh representation.

5. It is made clear that the Tribunal has not expressed any opinion on the merits of the case.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)

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

*DATE: AUGUST 08, 2023.*  
*DEHRADUN*

*VM*