

**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. 139/DB/2023

Keshar Singh Rana, aged about 64 years, s/o Late Shri Badar Singh Rana,
r/o 125 Mandir Marg, Gopeshwar Gaon, Gopeshwar, Chamoli, Uttarakhand.

.....Petitioner

VS.

1. State of Uttarakhand through Principal Secretary, Secretariat, Dehradun, Uttarakhand.
2. The Commissioner, Rural Development Department, Uttarakhand, Dehradun.
3. The Chief Development Officer, Chamoli, Uttarakhand.
4. The Addl. Commissioner (Finance) Rural Development, Uttarakhand, 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:

“1. To issue order or direction to the respondents to grant the petitioner benefit of 3rd 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 3rd ACP which was provided to similarly situated persons after completion of 26 years of service, whereas the petitioner who was appointed in 1985 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.

2) Issue order or direction to declare the impugned order, action and consequential decisions of respondent in order dated 25.04.2018 (Annexure No. : A-12) to this petition as illegal, arbitrary, unreasonable and amounts to nonest, and quash the same in toto, along with its effect and operation also after calling the entire record from the respondent.

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

4) Cost of the petition.”

[Emphasis supplied]

2. It is the submission of Ld. Counsel for the petitioner that petitioner may be granted Grade Pay of Rs.6600/- in parity with other similarly situated persons, namely Sri Pramod Kumar Bhatia and Sri Anil Banga (Annexure: A-16). Petitioner, after attaining the age of superannuation has retired on 31.05.2019 from service.

3. After arguing the petition at some length, Ld. Counsel for the petitioner submitted that the petitioner will move representation to the Secretary, Rural Development, which may kindly be directed to be decided by the authority concerned, 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 representation highlighting the relevant facts and documents in support thereof.

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