

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCH AT NAINITAL**

Present: Hon'ble Mr. Rajendra Singh

----- Vice Chairman (J)

Hon'ble Mr. Rajeev Gupta

----- Vice Chairman (A)

CLAIM PETITION NO. 120/NB/DB/2021

Girish Chandra Pandey, aged about 63 years, s/o Late Sri Amba Dutt Pandey, r/o Dhuni No. 1, near Scholar Kids School, Kathghariya, Post Office Kathghariya, Haldwani, District Nainital.

.....Petitioner

Vs

1. State of Uttarakhand through Secretary, Urban Development, Secretariat, Dehradun, district Dehradun, Uttarakhand.
2. Director, Urban Development, Dehradun, District Dehradun, Uttarakhand.
3. Nagar Palika Parishad, Nainital, District Nainital through its Executive Director.

.....Respondents

Present: Sri Siddhant Manral, Advocate for the petitioner
Sri Kishore Kumar, A.P.O., for the respondents no. 1 & 2
Sri K.K. Tiwari, Advocate, for the respondent no. 3

JUDGMENT

DATED: AUGUST 10, 2023

Mr. Rajeev Gupta, Vice Chairman (A) (Oral)

This claim petition has been filed seeking the following reliefs:

"a) In view of the facts, circumstances and grounds as mentioned above the Applicant prays that this Hon'ble Tribunal may most graciously be pleased to direct the respondents to forthwith grant the benefit of third ACP i.e. Pay Band 9300-34800 Grade Pay of Rs. 4800 considering his 26 years satisfactory service, as the junior to the petitioner namely Mr. Satish Kumar

Sharma working in the Office of Nagar Nigam Roorkee, District Haridwar has already been given the said benefit w.e.f. 01-09-2008, and; further direct the respondents to pay all consequential benefits thereafter.

b) To issue any other order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

c) Award cost of the application in favour of the Applicant."

2. Heard on admission/delay condonation.

3. The respondents opposed the admission of the claim petition on the ground of limitation. Learned Counsel for the petitioner submitted that in continuation of the order of Hon'ble High Court, the petitioner has moved representations to the authorities, which have not been decided. Therefore, there is continuous cause of action and the petition should not be dismissed on the ground of limitation.

4. After arguing the claim petition at some length, learned Counsel for the petitioner confined his prayer to the extent that he will make a fresh representation to the Director, Urban Development and Local Bodies (Respondent no.2) who may kindly be directed to decide the same within a specific time-frame. Learned Counsel the respondent no. 3 submitted that petitioner has already been given 3rd ACP w.e.f. 01.09.2008 treating his substantive post to be that of Vaccinator. Learned Counsel for the petitioner submitted that his junior and similarly placed person, Sri Satish Kumar Sharma, who was earlier on deputation as Sanitary and Food Inspector in Nagar Palika, Roorkee, was absorbed in that capacity there and has been sanctioned 3rd ACP there treating his substantive post to be that of Sanitary and Food Inspector. Learned Counsel for the petitioner further submitted that the representation of the petitioner for absorption on the post of Sanitary and Food Inspector is already pending with the Secretary, Urban Development (respondent no.1) in continuation of the order passed the Hon'ble High Court.

5. In view of the peculiar circumstances of the case and the limited prayer made by learned Counsel for the petitioner, the Tribunal hereby directs that the petitioner shall make a fresh detailed representation to the respondent no. 2 (Director, Urban Development and Local Bodies) within a period of one month along with certified copy of this order and the respondent no. 2 shall decide the same by a reasoned and speaking order within a period of two months thereafter.

6. The claim petition is, accordingly disposed of. No order as to costs.

(RAJENDRA SINGH)
VICECHAIRMAN(J)

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

DATE: AUGUST 10, 2023
DEHRADUN
KNP