

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

Present: Hon'ble Mr. Justice U.C.Dhyani
----- Chairman

Hon'ble Mr. Rajeev Gupta
-----Vice Chairman (A)

EXECUTION PETITION NO. 16/NB/DB/2023

*[Arising out of judgment dated 22.02.2023, passed in
Petition No. 107/NB/DB/2022
(earlier WPSB No. 422/ 2014, transferred by Hon'ble High Court)]*

Vichitra Narayan Kandpal and others.

.....Petitioner-executioner

vs.

State of Uttarakhand through Chief Secretary and others.

.....Respondents.

(virtually)

Present: Sri Pulkit Bahuguna, Advocate, for the petitioners-executioners
Sri Kishore Kumar, A.P.O., for Respondent State.

JUDGMENT

DATED: AUGUST 24, 2023

Justice U.C.Dhyani (Oral)

Present execution application has been filed by the petitioners-executioners for enforcing the compliance of order dated 22.02.2023 passed by this Tribunal in Petition No.107/NB/DB/2022 Vichitra Narayan Kandpal and others vs. State of Uttarakhand and others.

2. Instead of narrating the facts of the petition again, it is better if the facts, as narrated in the decision dated 22.02.2023, along with the reasons, are reproduced herein below for convenience:

“Hon’ble High Court of Uttarakhand has been pleased to pass an order on 20.09.2022 in WPSB no. 422 of 2014, Vichitra Narayan Kandpal and others vs. State of Uttarakhand & others, which (order) reads as under:

“We find that the petitioners are public servants. The reliefs sought by the petitioners are as follows:

“i) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent authorities to remove the pay disparity of the Health Education Officers with the officers working in the State Government Department in the Gazetted post and petitioner may be provided the pay scale of Rs.15,600/- to Rs.39,100/- with grade pay of Rs.5400/-.

ii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent authorities to fix the salary of the Health Education Officer in the higher pay scale after completing the 26 years of satisfactory services”.

2) The reliefs sought by the petitioners squarely fall for consideration within the jurisdiction of the Uttarakhand Public Services Tribunal. 3) Considering the fact that the petition is pending since the year 2012, we direct the Registry to transmit the complete record of the case to the Tribunal, which shall be registered as a claim petition by the Tribunal, and be dealt with accordingly. Considering the age of the case, the Tribunal is requested to expedite its hearing. 4) The writ petition stands disposed of. All pending applications also stands disposed of.”

.....

3. The petitioners’ grievance is that they have not been given the benefit of pay scale of Rs. 15600-39100 with grade pay Rs. 5400/- after completion of 26 years’ satisfactory service, while other employees of the same pay scale have been given the benefit of this pay scale. It is submitted that the petitioners who have been promoted from the post of Health Assistant to the post of Health Education Officer cannot be denied to get the pay scale of Rs. 15,600-39100 with grade pay of Rs. 54,00/- which is revised to Rs. 66,00 and the same is provided to the persons working on the post of Health Education Officer who have been recruited through the Public Service Commission.

4. It is the submission of Ld. Counsel for the petitioners that State Family Medical Welfare Association has moved representation to the Director, Medical Health and Family Welfare Department for the pay benefits after completion of 26 years of satisfactory service, which is pending decision of the authorities of the respondent department. The innocuous prayer of the petitioners is that the same may kindly be directed to be decided, in accordance with law, to which Ld. A.P.O. has no objection.

5. Without prejudice to rival contentions, the petition is disposed of, by directing the respondent department to decide the representation moved on behalf of State Family Medical Welfare Association to the Director, Medical Health and Family Welfare Department, by a reasoned and speaking order, in accordance with law, preferably within a period of 12 weeks of presentation of certified copy of this order along with fresh

representation enclosing the documents in support thereof. Whenever such representation is decided, it will be the responsibility of the respondent department to communicate the same to the petitioners. No order as to costs.”

4. Considering the facts of the case, this Tribunal directs the Respondent Department to comply with the order dated 22.02.2023, passed by this Tribunal in Petition No. 107/NB/DB/2022, Vichitra Narayan Kandpal & others vs. State of Uttarakhand & others, if the same has not been complied with so far, without further loss of time, failing which the concerned respondent(s) may be liable to face appropriate action under the relevant law governing the field.

5. Petitioners/ executioners are directed to place a copy of this order before the authority(ies) concerned within a week, to remind that a duty is cast upon said authority(ies) to do something, which has not been done.

6. Execution application is, accordingly, disposed of at the admission stage, with the consent of Ld. Counsel for the parties.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: AUGUST 24, 2023
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