

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

CLAIM PETITION NO. 170/SB/2023

Neetu Shah, aged about 35 years, d/o Shri Kanta Prasad, presently posted Medical Officer Incharge at Employees State Insurance Dispensary, Haridwar, District-Haridwar, r/o H. No. 10, Lane No. 1, Garh Vihar, Phase-I, Mohkampur, Near IIP, Dehradun.

.....Petitioner

VS.

1. State of Uttarakhand through Secretary, Labour, Uttarakhand Civil Secretariat, 4-Subhash Marg, Dehradun, District Dehradun.
2. Director, Employees State Insurance Scheme, Labour Medical Services, 22, Survey Chowk, Dehradun, District Dehradun.
3. Chief Medical Officer (Incharge), Employee State Insurance Scheme, Labour Medical Services, 22 Survey Chowk, Dehradun, District Dehradun..

.....Respondents.

(virtually)

Present: Sri Arun Pratap Shah, Advocate, for the petitioner.
Sri Kishore Kumar, A.P.O., for the Respondents.

JUDGMENT

DATED: OCTOBER 03, 2023

Justice U.C.Dhyani (Oral)

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

“(i) To direct the respondents No.1 and 2 to grant her Non Practicing Allowance (NPA) for the months of February 2019 to March 2019 and June 2019 to September 2020 and further to mould the relief appropriately, keeping in view the facts highlighted in the body of the petition.

(ii) Issue any other order, rule or direction, which this Hon'ble tribunal may deem fit and proper in the circumstances of the case.

(iii) Award cost of petition.”

2. Ld. Counsel for the petitioner submitted that similar claim petition being Claim Petition No. 58/NB/SB/2022, Dr. Lalit Kumar Singh vs. State of Uttarakhand and others, has been decided by Nainital Bench of this Tribunal on 21.04.2023. Copy of such decision has been brought on record as Annexure: A-5 to the claim petition.

3. Ld. Counsel for the petitioner submitted that petitioner will move a representation to Respondent No.1, who should be directed to decide the representation of the petitioner in the light of Tribunal's order dated 21.04.2023 passed in Claim Petition No. 58/NB/SB/2022. In reply, Ld. A.P.O. submitted that a direction may be given to the respondent department to decide the representation of the petitioner, in accordance with law.

4. Innocuous prayer of Ld. Counsel for the petitioner is worth accepting.

5. The claim petition is, accordingly, disposed of at the admission stage, with the consent of Ld. Counsel for the parties, by directing Respondent No.1 to decide the representation of the petitioner in the light of Tribunal's order dated 21.04.2023, passed in Claim Petition No. 58/NB/SB/2022, Dr. Lalit Kumar Singh vs. State of Uttarakhand and others, in accordance with law.

6. Petitioner is directed to move such representation, along with copy of this order, at an early date, to enable the respondent department to decide the same, as per law, without unreasonable delay. No order as to costs.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: OCTOBER 03, 2023.
DEHRADUN

VM