

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

CLAIM PETITION NO. 172/SB/2023

Sri Gautam Sanyal, s/o Late Sri Ajit Kumar Sanyal, aged about 47 years, at present working and posted on the post of Junior Engineer, Uttarakhand Power Corporation Ltd., Electrical Distribution Sub-Division, Pauri Garhwal.

.....Petitioner

VS.

1. State of Uttarakhand through Secretary, Energy, Govt. of Uttarakhand, Secretariat, Subhash Marg, Dehradun.
2. Managing Director, Uttarakhand Power Corporation Ltd., Victoria Cross Vijeata Gabar Singh Bhawan, Kanwali Road, Dehradun.

.....Respondents.

Present: Sri L.K.Maithani, Advocate, for the petitioner.
Sri Kishore Kumar, A.P.O., for the Respondent State.(virtually)
Sri S.K.Jain, Advocate, for Respondent Corporation (UPCL)

JUDGMENT

DATED: OCTOBER 04, 2023

Justice U.C.Dhyani (Oral)

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

“(a) To quash the impugned punishment order dated 28.10.2015 (Annexure No. A-1) with its effect and operation.

(b) To issue an order or direction to the respondents to grant/ sanction the benefits of first and second ACP to the petitioner respectively from the dated 06.06.2017 and 06.06.2022 with interest on the arrears of the ACP from the due date.

(c) To issue any other suitable order or direction, which this Hon'ble tribunal may deem fit and proper in the circumstances of the case.

(d) To award cost of petition to the petitioner.”

2. It is the submission of Ld. Counsel for the petitioner that the petitioner has filed review application for setting aside the impugned punishment order dated 28.10.2015. It is submitted that the review application has not been decided by the reviewing authority despite considerable lapse of time. He prays that the reviewing authority may kindly be directed to decide the review application of the petitioner, at an early date.

3. Ld. Counsel for the petitioner also submitted that the petitioner withdraws his prayer for grant of 1st and 2nd ACP, with liberty to file separate claim petition in respect of such prayer, if and when so required.

4. Petitioner is permitted to withdraw his relief for grant of 1st and 2nd ACP, with liberty to file separate claim petition, as and when so required, as per law, in the interest of justice.

5. So far as the prayer for directing the reviewing authority to decide petitioner's review application is concerned, Ld. A.P.O., representing Respondent-State and Sri S.K.Jain, Ld. Counsel for UPCL, have no objection to the innocuous prayer (of the petitioner) if the Tribunal directs the reviewing authority to decide the pending review application of the petitioner, as per law.

6. The claim petition is, accordingly, disposed of at the admission stage, with the consent of Ld. Counsel for the parties, by directing the reviewing authority to decide the review application of the petitioner, as per law, without unreasonable delay, preferably within 12 weeks of presentation of certified copy of this order (along with copy of review application) before him.

7. Rival contentions are left open.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: OCTOBER 04, 2023.
DEHRADUN

VM