

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

CLAIM PETITION NO. 187/SB/2023

Virendra Singh Negi, aged about 61 years, s/o Late Shri Hari Singh Negi, Retd. Compressor Operator, Public Works Department, Uttarakhand, r/o Village-Soda Siroli, P.O.- Khas, District Dehradun.

.....Petitioner

vs.

1. State of Uttarakhand through its Secretary, Public Works Department, Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Engineer-in-Chief and Head of Department, Public Works Department, Uttarakhand, Yamuna Colony, Dehradun.
3. Executive Engineer, Temporary Division, Public Works Department, Sahiya, Dehradun.

.....Respondents.

Present: Sri L.K.Maithani & Sri R.C.Raturi, Advocates, for the Petitioner.
Sri V.P.Devrani, A.P.O., for the Respondents. (online)

JUDGMENT

DATED: NOVEMBER 21, 2023

Justice U.C.Dhyani (Oral)

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

“ i. To quash the impugned office order dated 30.01.2023 (Annexure No. A-1) and impugned order/Details of recovery order dated 30.01.2023 (Annexure No. A-2) with its effects and operation and issue an order or direction to the respondents to include the service rendered

by the petitioner under muster roll from October 1982 to 28.02.1986 and work charged establishment from 01.03.1986 to 17.07.2001 in the regular service for the purpose of gratuity and accordingly calculate and pay the amount of Gratuity for the period October 1982 to 17.07.2001 to the petitioner with interest since the date of retirement up to the date of actual payment.

ii. To issue an order or direction to the respondents to include the service rendered by the petitioner under work charged establishment from 01.03.1986 to 17.07.2001 in the regular service /qualifying service of the pension and accordingly revise and sanction the pension of the petitioner and pay the interest on the difference of the arrears of monthly pension since the date of retirement up to the date actual payment.

iii. To issue an order and direction to the respondents to return and pay the recovered amount of Rs. 6,51,841/- to the petitioner with interest as per GPF rate.

iv. To issue an order or direction to the respondents to pay the interest on delayed payment of the arrears of monthly pension and on the amount of gratuity Rs. 99,569/- since the date of retirement up to the date of actual payment .

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

vi. Cost of the petition will be awarded to the petitioner."

[Emphasis supplied]

2. It is the submission of Ld. Counsel for the petitioner that a representation has been moved on behalf of the petitioner to Engineer-in-Chief, Public Works Department, Dehradun on 24.05.2023 (Copy- Annexure: A-7), which has not been decided by the competent authority so far.

3. Ld. Counsel, therefore, prays that a direction may kindly be given to Respondent No.2 to decide the representation of the petitioner, in accordance with law, at the earliest. Ld. A.P.O. has no objection to such innocuous prayer of Ld. Counsel for the petitioner.

4. Ld. counsel for the parties submitted that Single Bench of the Tribunal may pass such an order..

5. The claim petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties, by directing Respondent No.2, to decide pending representation of the petitioner by a reasoned and speaking order, as per law, without unreasonable delay, preferably within 12 weeks of

presentation of certified copy of this order along with representation, enclosing the documents in support thereof. No order as to costs.

6. Rival Contentions are left open.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: NOVEMBER 21, 2023.
DEHRADUN

VM