

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

CLAIM PETITION NO. 193/SB/2023

Smt. Pushpa Singh Alias Pushpa Bisht, w/o Late Sri Surendra Singh Bisht,
r/o Bisht Bhawan, Dang, Near Amarkunj, Srinagar, Pauri Garhwal.

.....Petitioner

vs.

1. Medical Officer Incharge, Primary Health Centre, Bhatwari, Uttarkashi, Uttarakhand.
2. The Chief Medical Officer, District Hospital, Uttarkashi, Uttarakhand.
3. The Director, Department of Medical Health and Family Welfare, Garhwal Mandal, Pauri, Uttarakhand.
4. The Director General of Medical, Health & Family Welfare, Directorate of Health Services, Dehradun.
5. The Secretary, Department of Medical Health and Family Welfare, Dehradun.
6. The Additional Chief Secretary, Medical Health and Family Welfare, 4th Floor, Navchetna Kendra, 10 Ashok Marg, Hazratganj, Lucknow, Uttar Pradesh.
7. The Director General of Family Welfare, Directorate Family Welfare, Jagat Narayan Road, Lucknow, Uttar Pradesh.

.....Respondents.

Present: Sri Pulkit Bahuguna. Advocate, for the Petitioner. (online),
Sri V.P.Devrani, A.P.O., for the Respondents No. 1 to 5.
Notices not issued to Respondents No. 6 & 7.

JUDGMENT

DATED: NOVEMBER 28, 2023

Justice U.C.Dhyani (Oral)

Petitioner is widow of Late Sri Surendra Singh Bisht, who was posted as Health Education Officer when he died in harness on 08.02.1999. Under the orders of Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Sri Surendra Singh Bisht was given notional promotion *w.e.f.* 05.05.1973, *vide* office order dated 17.10.2019 of Director, Medical, Health and Family Welfare, Garhwal Region, Pauri. It was also stated in the said order that Sri Surendra Singh Bisht will not be entitled to arrears of pay before 08.02.1999, the date of his death. He was given notional promotion *w.e.f.* 05.05.1973. It has specifically been mentioned in the order dated 17.10.2019 by the Director, Medical, Health and Family Welfare, Garhwal Region, Pauri, that the said orders have been passed in compliance of directions dated 17.09.2010 of Director General, Medical, Health and Family Welfare, Uttarakhand, Dehradun.

2. The direction dated 19.07.2007, which has been quoted in the Office Order dated 17.10.2019 (Annexure: 1), reads as below:

“....so far as payment of arrears of salary is concerned the same shall be given from the date of actual promotion. However, the salary on promoted post of the concerned employees shall be fixed notionally from the due date of promotion for all other purposes and in case where the employees have retired the benefits may be taken into account for the purposes of retiral benefits and retiral benefits shall be paid to such employees from the date of retirement.”

3. The widow of Late Sri Surendra Singh Bisht prays for revision of pension in accordance with the notional promotion to her husband to the post of Health Education Officer, *w.e.f.* 05.05.1973.

4. It is the submission of Sri Pulkit Bahuguna, Ld. Counsel for the petitioner that the petitioner shall make a representation to the Chief Medical Officer, Uttarkashi, with a copy to the Director General, Medical, Health and Family Welfare, Uttarakhand, who should be directed to decide the representation of the petitioner in the light of order dated 17.10.2019 (Copy: Annexure-1). It is also submitted by Ld. Counsel for the petitioner that it has specifically been mentioned in Annexure: 1 that the payment of retiral dues of the deceased shall be ensured to his dependents.

5. Ld. A.P.O. has no objection, if a direction is given to the above noted authorities to decide the representation of the petitioner, in accordance with law.
6. Ld. counsel for the parties submitted that Single Bench of the Tribunal can pass such an order.
7. Since the facts are not in dispute, 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 the representation of the petitioner, in the light of order dated 17.10.2019 (Annexure: 1), by a reasoned and speaking order, 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.
8. Rival Contentions are left open

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: NOVEMBER 28, 2023.
DEHRADUN

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