

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

CLAIM PETITION NO. 111/SB/2023

1. Bachan Singh, s/o Sri Trilok Chandra, r/o II, No. A/5-11 Workshop Colony, Civil Line, Roorkee, Tehsil- Roorkee, District- Haridwar, token no. 378, operator for heavy crane.
2. Chetpal Giri, s/o late Sri Shankar Lal Giri, r/o P-III, 9/3, Colony Bajuhedi, Sinchai Vibhag, P.O. Mehwad Kalan Roorkee, District- Haridwar, token no. 682, Master Molder.

.....Petitioners

VS.

1. State of Uttarakhand through Secretary, (Irrigation), Government of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Chief Engineer and Head of the Department, Irrigation Department, Yamuna Bhawan, Dehradun, Uttarakhand.
3. Promotion committee, Industrial Establishment, Irrigation Workshop, Roorkee, District- Haridwar through its President- Superintending Engineer, Tubewell Division, (Establishment) Roorkee, District- Haridwar.
4. Executive Engineer, Irrigation Workshop, Roorkee, District- Haridwar.

.....Respondents

Present: Sri Ram Prasad (online), Sri Prateek Kannoja, Sri Raman Deep Singh & Sri Tushar Arora, Advocates, for the petitioners.
Sri V.P.Devrani, A.P.O., for the Respondents.(online)

JUDGMENT

DATED: FEBRUARY 06, 2024

Justice U.C.Dhyani (Oral)

By means of present claim petition, petitioners, *inter alia*, seek to direct the respondents to grant promotion to the petitioners with effect from 24.04.2022, with all consequential benefits including arrears of difference between pre-revised pay scale and revised pay scale.

2. Petitioner No.1 is working as Heavy Crane Operator in the respondent department. Petitioner No.2 was working as Master Molder in the Industrial Establishment, Roorkee, Haridwar.

3. Respondent No.4 issued seniority list dated 10.02.2022 of the employees of Industrial Establishment under Irrigation Workshop, Roorkee, in which the names of the petitioners have been mentioned (Copy of seniority list dated 10.02.2022: Annexure- A-1).

4. Respondent No.4 issued an Office Memorandum on 09.03.2022, wherein it has been mentioned that in industrial establishment of workshop, 06 posts of Foreman are vacant for the employees in pre-revised pay scale of Rs. 5200-20200- grade pay Rs.2800/- to Rs.9300-34800 grade pay Rs. 4200/- and if any eligible employee has objection regarding promotions of these eligible employees, then he can submit his written objection up to 14.03.2022. After such prescribed time, no action shall be taken on the objections of any eligible employee. (Copy of Office Memorandum dated 09.03.2022: Annexure- A-2).

5. Thereafter, departmental promotion committee was constituted. The said committee took a decision on 27.04.2022 to grant promotion to the eligible employees from the pay scale of Rs.2800/- level 05 to the pay scale of Rs.4200/- level 06. Respondent No.4 mentioned in letter dated 27.04.2022, that no promotion shall be granted unless the employees place an order that the court case pending before Hon'ble High Court has been withdrawn. (Copy of letter dated 27.04.2022: Annexure- A-3).

6. Hon'ble High Court of Uttarakhand *vide* judgment dated 08.07.2022, allowed the petitions of the petitioners by a common judgment (Annexure: A-5). Petitioners filed a writ petition before Hon'ble High Court, being WPSS No. 681/2023, Bachan Singh and others vs. State of Uttarakhand and others, which writ petition was dismissed by the Hon'ble Court *vide* order dated 02.05.2023, on the ground of alternate remedy (Annexure: A-6).

7. Petitioners preferred intra-court appeal, which was dismissed *vide* order dated 22.05.2023 (Annexure: A-7).

8. According to the petitioners, Respondents cannot impose any condition for withdrawing the case, upon the petitioners. It is obligatory on the

part of Respondents No. 3 & 4 to grant promotion to the petitioners as per recommendation dated 27.04.2022, but the said respondents have not issued any promotion order of the petitioners. Hence, present claim petition.

9. The claim petition is supported by the affidavit of Sri Chetpal Giri, Petitioner No.2. Relevant documents have been filed in support of the claim petition.

10. The claim petition has been contested on behalf of respondents, by filing written statement by Ld. A.P.O. Counter Affidavit has been filed by Sri Digaram, Assistant Engineer, Irrigation Workshop, Roorkee. The material averments contained in the claim petition have been denied in such C.A. The C.A. is supported by the relevant documents. Rejoinder Affidavit thereto has also been filed on behalf of petitioners.

11. Ld. Counsel for the petitioners submitted that for redressal of their grievances, they want to make a representation to Respondent No.2, who should be directed to decide their representation as early as possible, in accordance with law. Ld. A.P.O. has no objection to such innocuous prayer.

12. Ld. Counsel for the parties submitted that such an order can be passed by Single Bench of the Tribunal.

13. The claim petition is disposed of, with the consent of Ld. counsel for the parties, by directing the Respondent No.2 to decide representation of the petitioners 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.

14. Rival contentions are left open.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: FEBRUARY 06, 2024.
DEHRADUN