

Claim Petition No. 21/NB/DB/2014

Ganesh Giri & others vs. State of Uttarakhand & others

Dated: 15.02.2024

(Virtual)

Present: Sri Lalit Samant, Advocate for the petitioners
Sri Kishore Kumar, A.P.O. for the respondents

Learned Counsel for the petitioner has filed withdrawal application along with affidavit. He has also enclosed G.O. no. 27057/2023 dated 07.11.2023 of Finance (Pension) Section-10 of the Uttarakhand Govt. and a letter dated 29.01.2024 of the Directorate of Higher Education, Uttarakhand with the application.

The relevant paragraphs of the affidavit filed alongwith the withdrawal application read as under:

“2. That the applicants/petitioners have filed aforesaid claim petition before the Hon'ble Tribunal for setting-aside impugned official order dated 22-7-2014 issued by respondent no. 2; and further, sought direction to the respondents to treat the petitioners covered under the pension scheme, which was prevalent at the time of the issuance of advertisement dated 15-4-2005.

3. That during pendency of the aforesaid claim petition, State Government has issued official memorandum dated 7-11-2023, purporting in all cases, where the State Government Civil Employee has appointed against a or vacancy, which were advertised/notified for recruitment/appointment, prior to the date of notification for new pension scheme, i.e, 1-10-2005, and is covered under the new pension scheme, on joining services on or after 1-10-2005, may be given one-time option to be covered under the old pension scheme. The concerning government servant may opt such option by 15-2-2024 to his Appointing Authority/Head of the Department.

Photocopy of notification dated 7-11-2023 is being filed herewith and marked as Annexure No. 1 to this affidavit.

4. That the claimants are eligible for old pension scheme under aforesaid government notification and department has asked to the claimants to submit their one-time option for covering them under old pension scheme by 15.02.2024. Photocopy of order dated 29.01.2024 issued by respondent no. 2 is being filed herewith and marked as Annexure No. 2 to this affidavit.

5. That in the aforesaid facts and circumstances, the claimants do not want to press the aforesaid claim petition and may be permitted to withdraw the aforesaid claim petition, otherwise the applicants/petitioners will suffer irreparable loss and injury, which cannot be compensated in any manner.”

Learned Counsel for the petitioners submitted that petitioners are not pressing the claim petition and requested that the petitioners be permitted to withdraw the same. Learned A.P.O. has no objection in permitting the petitioner to withdraw the claim petition.

Considering the facts of the case and grounds thus taken, as above, there appears to be no reason not to permit the petitioners to withdraw the claim petition.

Division Bench is not available as of now. Learned Counsel for the parties submitted that Single Bench of the Tribunal can pass such order.

In the interest of justice, withdrawal application is allowed. As a consequence thereof, the petitioners are permitted to withdraw the claim petition, as prayed.

The claim petition is accordingly dismissed as withdrawn.

RAJENDRA SINGH
VICE CHAIRMAN(J)

KNP