

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

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

**CLAIM PETITION NO. 138/DB/2022**

Sri Suresh Kumar aged about 53 years, s/o Late Sri Ramji Das, r/o 334, Tea Estate, Banjarawala, Dehradun, presently posted on the post of Computer Assistant, Uttarakhand Secretariat, Dehradun.

.....Petitioner

**VS.**

1. State of Uttarakhand through Secretary, Agriculture, Govt. of Uttarakhand, Secretariat, Dehradun.
2. The Managing Director, Uttarakhand Agriculture Produce Marketing Board, Rudrapur.
3. The General Manager (Finance), Uttarakhand Agriculture Produce Marketing Board, Rudrapur.
4. Secretary, Secretariat Administrative Department, Govt. of Uttarakhand, Dehradun.

....Respondents.

Present: Sri V.P.Sharma (online) & Sri Abhishek Chamoli, Advocates,  
for the petitioner.

Sri V.P.Devrani, A.P.O., for Respondents No. 1 & 4.

Sri D.P. Singh, Advocate, for Respondents No. 2 & 3 (online).

**JUDGMENT**

**DATED: SEPTEMBER 14, 2023**

**Justice U.C.Dhyani (Oral)**

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

“i) To issue an order or direction to the respondents to pay all the terminal/retiral benefits because the respondent paid the part payment of Gratuity of Rs.1,37,768/- which is payable to Rs.7,22,200/-. Thus, balance amount of Gratuity of Rs.5,84,422/- along with interest of 9% from due date till the date of payment to be paid to the petitioner considering the continuous 23 years’ service and its consequential benefits.

ii) To issue an order or direction to pay 1<sup>st</sup> and 22<sup>nd</sup> ACP w.e.f. 07.02.2007 and 07.02.2015 as paid to the similar person namely in the matter Smt. Bhawna Gabriyal (Kutiyal) and Sri Anil Kumar (Annexure: A-3, A-4 and A-5 of this petition and to Sri Anil Kumar as per Annexure: A-6 to this petition).

iii) Any other relief which the Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. The claim petition was admitted on 07.11.2022, subject to limitation. Petitioner retired in the year 2019 and part payment of his gratuity was made on 04.08.2022. The claim petition has been filed on 05.11.2022. It was observed by the Tribunal in its order dated 07.11.2022 that the claim petition, at least in respect of payment of gratuity, is maintainable, *i.e.* it is within limitation.

3. Ld. A.P.O. submitted that Respondent State is formal party. The Uttarakhand Agriculture Produce Marketing Board is the contesting party, who was granted time to file C.A./W.S. *vide* orders dated 03.02.2023, 07.03.2023, 10.04.2023, 25.04.2023, 24.05.2023, 05.07.2023, 27.07.2023 and on 18.08.2023, but no W.S./C.A. has been filed so far on their behalf.

4. Sri D.P.Singh, Ld. Counsel for Respondents No. 2 & 3 submitted that he is suffering from Dengu and, therefore, some more time be granted to him to file C.A./W.S., which is although not opposed by Ld. Counsel for the petitioner, but he submitted that too many opportunities have been granted to the respondents to file C.A./W.S., petitioner retired in the year 2019 and only part payment of his gratuity was made on 04.08.2022, the petitioner has put in continuous 23 years of service, so he is entitled to gratuity along with interest

(which amount has been disclosed in the relief clause) along with 1<sup>st</sup> and 2<sup>nd</sup> ACP, as paid to similarly situated persons, namely: Smt. Bhawana Gabriyal (Kutiya) and Sri Anil Kumar, orders relating to whom have been filed with the claim petition. Ld. Counsel for the petitioner, therefore, submitted that petitioner shall move a representation to Respondent No.2, which may kindly be directed to be decided by a reasoned and speaking order, in accordance with law, to avoid further loss of time in deciding the claim petition. Ld. A.P.O. has no objection, if a direction is given by the Tribunal to Respondent No.2 to decide the representation of the petitioner, as per law.

5. Considering the backdrop of the case, as briefly noted in the aforesaid paragraphs, the Tribunal is of the view that innocuous prayer of Ld. Counsel for the petitioner is worth accepting.

6. The claim petition is, accordingly, disposed of without extending further time to Respondents No.2 & 3 to file C.A./W.S., but without prejudice to rival contentions, by directing Respondent No.2 to decide the representation of the petitioner by a reasoned and speaking order, in accordance with law, without unreasonable delay, preferably within 12 weeks, on presentation of certified copy of this order along with representation of the petitioner and documents in support thereof. No order as to costs.

7. Needless to say that the decision so taken on the representation of the petitioner shall be conveyed to him no sooner it is decided by the Respondent No.2.

8. It is made clear that the Tribunal has not expressed any opinion on the merits of the claim petition.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN

*DATE: SEPTEMBER 14, 2023.*  
*DEHRADUN*