

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

CLAIM PETITION NO. 15/SB/2024

Dhirendra Singh Rawat, s/o Sri Khushal Singh Rawat, r/o Bhadrakali
Enclave, Phase-1, Lane No. 06, Dehradun and others.

.....Petitioners

VS.

1. State of Uttarakhand through Secretary, Energy, Secretariat, Subhash Road, Dehradun.
2. Managing Director, Uttarakhand Jal Vidyut Nigam Limited, Maharani Bagh, GMS Road, Dehradun.
3. Executive Director, Human Resource, Uttarakhand Jal Vidyut Nigam Limited, Maharani Bagh, GMS Road, Dehradun.

.....Respondents.

Present: Mohd. Atif, Advocate, holding brief of
Sri R.K.Gupta, Advocate, for the petitioner.
Sri V.P.Devrani, A.P.O., for the Respondent No.1.
Dr. N.K.Pant, Advocate, for Respondents No. 2 & 3 (online).

JUDGMENT

DATED: MARCH 01, 2024

Justice U.C.Dhyani (Oral)

Although the petitioners have, in present claim petition, prayed for setting aside certain Govt. Orders, but, when the prayer itself was objected to by Ld. A.P.O., representing Respondent No.1 and Dr. N.K. Pant, Advocate, representing Respondents No. 2 & 3, Mohd. Atif, Advocate, holding brief of Sri R.K.Gupta, Ld. Counsel for the petitioners, submitted that similar order,

which was passed by this Tribunal on 27.09.2023 in Claim Petition No. 37/SB/2022, Ashok Kumar Joshi and others vs. State of Uttarakhand and others, may kindly be passed in respect of the petitioners of present claim petition too.

2. In response to the query of the Tribunal, as to why petitioners require similar relief at such a belated stage, Ld. Counsel for the petitioners replied that the petitioners of present claim petition could not join the petitioners of claim petition no. 37/SB/2022 at that point of time and party respondent UJVNL is not giving benefit of the judgment dated 27.09.2023, passed in claim petition no. 37/SB/2022, Ashok Kumar Joshi and others vs. State of Uttarakhand and others to the petitioners, therefore, they were compelled to file present claim petition for the selfsame relief which was given by the Tribunal on 27.09.2023 to the petitioners of claim petition no. 37/SB/2022.

3. Dr. N.K.Pant, Ld. Counsel for Respondents No. 2 & 3, submitted that similar order may kindly be passed by the Tribunal, to dispose of the claim petition, at the admission stage, if respondent/ UJVNL finds the case of present petitioners identical to the case of petitioners of claim petition no. 37/SB/2022.

4. It is cardinal principle of law that similar cases should be decided alike. If, case of present petitioners is in parity with the case of petitioners of claim petition no. 37/SB/2022, then, every petitioner of present claim petition may be given opportunity by the respondents, either to opt for pay fixation with MACP according to the G.Os. dated 25.09.2017 and 22.12.2017 or opt for ACP and pay fixation according to G.O. dated 06.01.2022 and Uttarakhand Jal Vidyut Nigam's Office Memorandum dated 15.03.2022.

5. The Tribunal directs that such option may be sought from every petitioner (of present claim petition), within 12 weeks of presentation of certified copy of this order and decision on fixation of pay and applicability of MACP or ACP to the petitioners may be taken accordingly.

6. The claim petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties. No order as to costs.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: MARCH 01, 2024.
DEHRADUN

VM