

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

CLAIM PETITION NO. 17/SB/2024

Rohit Kumar, s/o Sri Daya Ram, presently posted as ECG Technician, Government Doon Medical College, Dehradun, Uttarakhand.

.....Petitioner

versus

1. Secretary, Medical Health & Family Welfare Department, Government of Uttarakhand, Secretariat, Dehradun.
2. Director, Medical Health & Family Welfare Department, Uttarakhand, Directorate, Sahastradhara, Dehradun.
3. Director, Medical Health and Education Department, Uttarakhand.
4. Chief Medical Officer, District Dehradun, Uttarakhand.

..... Respondents

Present: Sri S.K. Jain, Advocate, for the Petitioner
Sri V.P. Devrani, A.P.O. for the Respondents

Judgement

Dated: 05th March, 2024

Justice U.C. Dhyani (Oral)

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

“(i) To direct the respondents/opposite parties to take a reasoned and speaking decision on the pending representation dated 27.03.2022 of ECG Technicians Medical Health Department of Uttarakhand.

(ii) To direct the respondent / opposite parties to upgrade the Grade pay Rs. 2000/- to the Grade pay Rs 2800/- as admissible to the ECG Technician of the Medical Health & Family Welfare Department Uttarakhand and accordingly necessary amendment be carried out in the services rules of Uttarakhand (U.P) Medical Health and Family Welfare Department Electrocardiogram

Technician (Non-Gazetted) services rules 1998 (Adaptation and Modification Order, 2002 (amendment) Rules 2008.

(iii) Issue any other suitable order, which this Hon'ble Tribunal may deem fit and proper on the basis of facts and circumstances of the case.

(iv) Award the cost of the petition to the petitioner.”

2. Learned A.P.O. submitted that relief (ii) can be sought only when pending representation of the petitioner is decided against the petitioner. In relief (i), the petitioner has made a prayer that the respondents be directed to take a reasoned and speaking decision on pending representation dated 27.03.2022 of ECG Technicians, Medical Health Department of Uttarakhand. Learned A.P.O. further submitted that respondent no. 2 has no power to upgrade the pay scale, therefore, petitioner should move the representation to respondent no. 1.

3. The petitioner has filed relevant documents in support of the claim petition. He has also filed certificate issued by Medical Superintendent, Dr. Susheela Tiwari Govt. Hospital, Haldwani, to show that he has undergone training of ECG Technician under the Department of Medicine at Dr. Susheela Tiwari Govt. Hospital and associated hospitals of Govt. Medical College, Haldwani (copy Annexure: A2).

4. Annexure: A1 is the order dated 22.05.2018, issued by Director General, Medical Health and Family Welfare, Govt. of Uttarakhand, whereby appointment was given to the petitioner as ECG Technician. Annexure: A3 is the copy of The Uttarakhand (The Uttar Pradesh Medical Health and Family Welfare Department Electro Cardiogram Technician (Non-Gazetted) Service Rules, 1998) (Adaptation and Modification Order, 2002 (Amendment) Rules, 2008.

5. Copy of The Uttarakhand (The Uttar Pradesh Medical Health and Family Welfare Department Electro Cardiogram Technician (Non-Gazetted) Service Rules, 1998) (Adaptation and

Modification Order, 2002, has also been filed as Annexure: A3 *colly*. Copy of The Uttar Pradesh Medical Health and Family Welfare Department Electro Cardiogram Technician (Non-Gazetted) Service Rules, 1998 has also been filed by the petitioner as Annexure: A3, *colly*.

6. Additional Secretary to the Govt. in Medical Health and Medical Education Department has informed Director, Medical Education Department *vide* letter dated 13.04.2020 that Uttarakhand Medical Education Department Technician (Lab, O.T./ C.S.S.D., Dental etc.) Cadre Service Rules, 2020, have been framed (copy Annexure: A4).

7. A copy of representation dated 27.03.2023 submitted to Director General, Medical Health and Family Welfare Department has been enclosed to submit that no decision has been taken on such representation as yet (copy Annexure: A5).

8. Sri S.K. Jain, learned Counsel for the petitioner submitted that the petitioner does not want to press relief (ii) at present and prayed that a direction be given to the respondents to decide pending representation of the petitioner, in accordance with law.

9. Learned A.P.O. has no objection to such innocuous prayer of the petitioner.

10. Learned Counsel for the parties submitted that such an order may be passed by Single Bench of the Tribunal.

11. Without prejudice to rival contentions, the claim petition is disposed of, at the admission stage, with the consent of learned Counsel for the parties, by directing the respondents to decide the representation of the petitioner, by a reasoned and speaking order, at an early date, preferably within 12 weeks of presentation of certified copy of this order along with fresh representation

addressed to respondent no. 1, enclosing the documents in support thereof. No order as to costs.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: 05th March, 2024
DEHRADUN
RS