

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

**CLAIM PETITION NO. 20/SB/2024**

Veer Prakash Chauhan, s/o Sri Arjun Singh Chauhan, aged about 56 years, Assistant Teacher (UPS), presently employed in Government Junior High School, Kumalda, r/o Village & P.O. Balalwala, Dehradun.

.....Petitioner

**vs.**

1. The State of Uttarakhand through Secretary, Education, Govt. of Uttarakhand, Subhash Road, Dehradun.
2. The Director (Elementary Education) Directorate of Elementary Education, Nanoor Kheda, Dehradun.
3. The Additional Director (Elementary Education) Directorate of Elementary Education, Nanoor Kheda, Dehradun.
4. The District Education Officer, District- Tehri Garhwal, New Tehri.
5. The Deputy Education Officer, Block Jaunpur at Thathyur, District- Tehri Garhwal

.....Respondents

Present: Sri Uttam Singh, Advocate, for the petitioner.  
Sri V.P.Devrani, A.P.O., for the Respondents. (online)

**JUDGMENT**

**DATED: MARCH 14, 2024**

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

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

“(i) Direct the respondents to pay the interest @ 12% on unpaid salary Rs.9,95,528/- from 01.11.2016 to 14.03.2023.

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

(iii) Award the cost of the petition to the petitioner.

*[Emphasis supplied]*

2. The petitioner is serving as Assistant Teacher in the department of Elementary Education. He had to file a petition, being claim petition no. 80/SB/2022, before this Tribunal, for release of unpaid salary. Subsequently, as per pleadings, a sum of Rs.9,95,528/- was paid to the petitioner on 15.03.2023. In para 4.12 of the claim petition, it has been mentioned that although unpaid salary was paid to the petitioner but no interest was paid on it from 01.11.2016 to 14.03.2023.

4. It is the submission of Ld. Counsel for the petitioner that the salary is the property under Article 300A of the Constitution of India and the same cannot be taken away except by authority of law. Salary cannot be withheld for a long time. The petitioner has performed his duty for the said period, but due to non-payment of salary in time, he has lost interest on delayed deposited subscription in GPF, lost interest on saving account and he also paid considerable amount of income tax considering the income of the payment year. There is no reason for the respondents to deny interest for the period the salary was withheld.

5. Ld. Counsel for the petitioner has placed a decision rendered by Hon'ble Supreme Court on 08.02.2021 in *Civil Appeal No. 399/2021, State of Andhra Pradesh and Another vs. Smt. Dinavahi Lakshmi Kameshwari*, in support of his contention.

6. Ld. Counsel for the petitioner submitted that the petitioner will make a representation to Respondent No.5, who should be directed to decide his representation at an early date and without unreasonable delay, as per law, in the light of the decision rendered by Hon'ble Apex Court in *Andhra Pradesh and Another vs. Smt. Dinavahi Lakshmi Kameshwari (supra)*.

7. Ld. A.P.O. has no objection to the innocuous prayer of Ld. Counsel for the petitioner for directing Respondent No.5 to decide the representation of the petitioner, in accordance with law.

4. The claim petition is disposed of, at the admission stage, with the consent of Ld. counsel for the parties, by directing Respondent No.5 to decide the representation of the petitioner 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.

5. Rival contentions are left open.

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

*DATE: MARCH 14, 2024.*  
*DEHRADUN*

*VM*