

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

**CLAIM PETITION NO. 23/SB/2024**

Surendra Kumar Bhatia, aged about 58 years, s/o Sri B.R. Bhatia, r/o Type IV/ 3 UPCL, V.C.V.G.S. Urja Bhawan, Dehradun.

.....Petitioner

**vs.**

1. The State of Uttarakhand through Secretary, Energy, Civil Secretariat, Dehradun.
2. Managing Director Uttarakhand Power Corporation Limited, V.C.V.G.S. Urja Bhawan, Kanwali Road, Dehradun.
3. Executive Director, Human Resource, Uttarakhand Power Corporation Limited, V.C.V.G.S. Urja Bhawan, Kanwali Road, Dehradun.

.....Respondents

Present: Sri Surendra Kumar Bhatia, petitioner, along with  
Ms. Aditi Singh, Advocate, for the petitioner. (online)  
Sri V.P.Devrani, A.P.O., for the Respondent No.1.  
Sri Manish Kumar Singh, Advocate, for Respondents No. 2 & 3.

**JUDGMENT**

**DATED: MARCH 19, 2024**

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

Although the petition was listed for admission yesterday and time up to 25.04.2024 was given to Respondents No. 2 & 3 to file C.A./W.S., but today, petitioner and Ld. Counsel for the petitioner as also Ld. Counsel for Respondents No. 2 & 3 (contesting parties) submitted that the claim petition may kindly be disposed of, at the admission stage, by directing Respondents No. 2 & 3 to decide the representation of the petitioner by a reasoned and

speaking order as per law. Sri Manish Kumar Singh, Ld. Counsel for Respondents No. 2 & 3 submitted that 08 weeks' time may kindly be given for the same. Petitioner as well as Ld. Counsel for the petitioner has no objection in granting such time.

2. Accordingly, the claim petition is being taken up today to facilitate instant disposal of the claim petition with the consent of Ld. Counsel for the parties.

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

a. To issue order or direction commanding the respondents to direct the respondents to consider the charge certificate submitted by the claimant and further direct the respondents to release the salary of the claimant from 05, October 2023 till the date of joining the office. It is further requested that the respondents may further be directed to pay the interest on the salary for the unpaid days.

b. Any other suitable order or direction which this Hon'ble court may deem fit and proper in the circumstances of the case.

c. Award the cost of petition to the petitioner. Any other relief which the court deemed fit and proper in the circumstances of the case.”

*[Emphasis supplied]*

4. As per the petition, petitioner was suffering from knee pain due to infection and blockage in heart and hence, he *vide* letter dated 05.10.2023 sought permission from Respondent No.3 to undergo knee surgery and heart treatment. (Copy of letter dated 05.10.2023: Annexure- 2).

On 10.10.2023 the petitioner informed the status of the treatment to the respondents on WhatsApp and requested for approval of leave. Since there was no response from the respondents, the petitioner again sent a request on WhatsApp on 17.10.2023 and requested to send the approval on WhatsApp. (Copy of WhatsApp communication: Annexure-3)

The respondents acknowledged the request of the petitioner *vide* Office Memorandum No. 3684 dated 17.10.2023. He approved and granted permission to petitioner to undergo the treatment. (Copy of O.M. dated 17.10.2023: Annexure-4).

Since no salary was paid to the petitioner, hence after getting treatment, he, *vide* letter dated 06.11.2023 informed Respondent No.3 that the petitioner got operated and his knee has been removed due to which he has to go through heavy medications and for which he needs money. He further requested Respondents No. 2 & 3 to release the salary so that he can manage his expenses.

Petitioner again had to undergo for second knee surgery, for which he sought and was granted permission on 16.12.2023.

After he was discharged from the hospital and received fitness certificate, he submitted the fitness certificate along with charge/ joining certificate dated 09.02.2024. During the period of treatment, the respondents have not paid any salary to the petitioner due to which he had to suffer financial crisis.

After joining, the petitioner is discharging his duties, but to utter surprise of the petitioner, he was orally informed on 16.02.2024 by the Executive Director, H.R., that since the medical leave of the petitioner has not yet been approved by the Director General Medical, Health & Family Welfare, Uttarakhand, hence, charge/ joining certificate cannot be accepted. On the same day, *vide* O.M. No. 595 dated 16.02.2024, respondents allotted the charge of the petitioner to junior officer. (Copy of O.M. dated 16.02.2024: Anneuxre-5).

Respondents sent a letter to Director General, Medical, Health & Family Welfare, Uttarakhand, for approving medical leave of the petitioner. The Director General, Medical, Health *vide* letter dated 24.02.2024 (Annexure: 6) informed that no such approval is required in petitioner's case. But even then, the respondents have not paid salary to the petitioner for the period 05.10.2023 to 08.02.2024. Respondents finally gave charge to the petitioner on 28.02.2024 (Copy of charge acceptance letter dated 28.02.2024: Annexure- 7).

When the petitioner insisted the respondents to release the salary, respondents issued a letter No. 869 dated 11.03.2024 and directed him to get clarification from D.G., Health on letter dated 24.02.2024. D.G., Medical

Health has already given a clarification that no permission or approval is required in petitioner's case for release of salary. But Respondents No. 2 & 3, with a view to harass the petitioner, have stopped his salary (as per Para 4.14 of the petition). Relevant documents have been brought on record with the claim petition.

5. Petitioner and Ld. Counsel for the petitioner prayed that petitioner will make a representation to Respondents No. 2 & 3, who should be directed to decide such representation at an early date, as per law. Both Ld. A.P.O., representing Respondent No.1 and Sri Manish Kumar Singh, Advocate, representing Respondents No. 2 & 3, have no objection to the innocuous prayer of Ld. Counsel for the petitioner for directing Respondents No.2 & 3 to decide the representation of the petitioner at an early date, in accordance with law. Sri Manish Kumar Singh, Ld. Counsel for Respondents No. 2 & 3 submitted that eight weeks' time may kindly be granted for the same.

6. That being so, the claim petition is disposed of, at the admission stage, with the consent of Ld. counsel for the parties, by directing Respondents No. 2 & 3 to decide the representation of the petitioner by a reasoned and speaking order, as per law, without unreasonable delay, preferably within 08 weeks of presentation of certified copy of this order along with representation, enclosing the documents in support thereof. No order as to costs.

7. Rival contentions are left open.

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

*DATE: MARCH 19, 2024.*  
*DEHRADUN*

*VM*