

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

CLAIM PETITION NO. 26/SB/2024

Sri Sangam Lal aged about 66 years, s/o late Sri Lal Bahadur, r/o Indra Basti,
Industrial Area, Near Power House, Haridwar.

.....Petitioner

vs.

1. The State of Uttarakhand through Secretary, Transport, Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Managing Director, HQ, Uttarakhand, Transport Corporation, Office of Transport Commissioner, Kulhan, Sahastradhara Road, Dehradun.
3. Assistant General Manager, Uttarakhand Transport Corporation, Haridwar Depot, Haridwar.

.....Respondents

Present: Sri L.K.Maithani & Sri R.C.Raturi, Advocates,
for the petitioner.

Sri V.P.Devrani, A.P.O., for the Respondent No.1.

Sri Pradeep Sati, D.G.M., Uttarakhand Transport Corporation,
for Respondents No. 2 & 3.

JUDGMENT

DATED: MARCH 27, 2024

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 respondent to pay the remaining amount of gratuity Rs.1,84,613/- with interest @ 10% per

annum to the petitioner from the date of his retirement up to the date of actual payment.

ii) To issue an order or direction to the respondent to pay the difference of arrears Rs.2,84,507/- of the 3rd ACP grade pay Rs.4200/- with interest @ 10% per annum to the petitioner from the date of his retirement up to the date of actual payment.

iii) To issue any other order or direction which this Court may deem fit and proper in the circumstances of the case in favour of the petitioner.

(iii) To award the cost of the petition .”

2. It is the submission of Ld. Counsel for the petitioner that the petition may be disposed of, at the admission stage, by directing Respondents No. 2 & 3 to take appropriate decision on the legal notice dated 12.12.2023 (Annexure: A-3), which may be treated as representation of the petitioner, as per law, within stipulated time.

3. Ld. A.P.O., who is representing Respondent No.1, submitted that the State is formal party and the decision on the claim of the petitioner has to be taken by Respondents No. 2 & 3 (Respondent Corporation), and not Respondent No.1.

4. Petitioner served respondent department as Conductor and after completing more than 38 years of service, retired as Senior Clerk on 30.06.2018. Gratuity worth Rs. 10 lacs was paid to him *vide* office order dated 28.06.2018 (Annexure: A-1). Calculation-sheet of gratuity of the petitioner received from the respondent department in November, 2023 revealed that after completing more than 38 years' service, gratuity worth Rs.11,84,613/- was to be paid to the petitioner, but only a sum of Rs. 10 lacs has been paid to the petitioner (Copy of calculation-sheet: Annexure- A 2).

5. Gratuity was enhanced to Rs.20 lacs in May, 2018. The petitioner retired in June, 2018. According to the petitioner, he is entitled to Rs.11,84,613/-, out of which Rs.10,00,000/- have been paid to him. The petitioner is also entitled to interest on delayed payment of remaining amount of gratuity. Petitioner's Advocate sent a legal notice to Respondent No.2 on 12.12.2023 (Copy: Annexure- A 3), which remains un-replied till today.

6. Similarly, under the scheme of ACP, benefit of 3rd ACP grade pay Rs.2800/- was given to the petitioner since 01.09.2008. Thereafter, *vide*

order dated 06.09.2017, grade pay Rs.2800/- was amended and benefit of Rs.4200/- was given to the petitioner since 01.09.2008, but the difference of arrears of Rs. 2,84,507/- of 3rd ACP was not paid to him. Petitioner is entitled to receive the same along with admissible interest. Relevant documents have been filed in support of claim petition.

7. The Tribunal deems it appropriate, without calling upon the Respondent Corporation to file C.A., that a direction should be given to Respondents No. 2 & 3 to take appropriate decision on the representation/ notice, as per law, within a period of 12 weeks of presentation of certified copy of this order along with documents in support of notice dated 12.12.2023, which may be treated as representation of the petitioner.

8. 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 take appropriate decision on notice dated 12.12.2023, which may be treated as representation of the petitioner, as per law, within a period of 12 weeks of presentation of certified copy of this order along with documents in support thereof. No order as to costs.

9. It is made clear that the Tribunal has not expressed any opinion on the merits of the case.

10. Rival contentions are left open.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: MARCH 27, 2024.
DEHRADUN

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