

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

**CLAIM PETITION NO. 118/SB/2023**

Piyoosh Rautela, s/o Sri Bishnu Singh Rautela, r/o 15 Van Vihar,  
Dehradun.

.....**Petitioner**

**vs**

1. State of Uttarakhand through the Chief Secretary, Government of Uttarakhand.
2. Chief Executive Officer, State Disaster Management Authority, Government of Uttarakhand, Uttarakhand Secretariat (Chief Secretary, Government of Uttarakhand, Dehradun)
3. Secretary, Department of Disaster Management and Rehabilitation, Government of Uttarakhand, Uttarakhand Secretariat, Dehradun.
4. Additional Chief Executive Officer (Administration), Uttarakhand State Disaster Management Authority, Government of Uttarakhand, Uttarakhand Secretariat, Dehradun (Additional Secretary, Department of Disaster Management and Rehabilitation, Government of Uttarakhand, Dehradun).

.....**Respondents**

**&**

**CLAIM PETITION NO. 119/SB/2023**

Piyoosh Rautela, s/o Sri Bishnu Singh Rautela, r/o 15 Van Vihar,  
Dehradun.

.....**Petitioner**

**vs**

1. State of Uttarakhand through the Chief Secretary, Government of Uttarakhand.

2. Chairman, Governing Body, Disaster Mitigation and Management Centre, Dehradun (Chief Secretary, Government of Uttarakhand, Dehradun).
3. Secretary, Department of Disaster Management and Rehabilitation, Government of Uttarakhand, Uttarakhand Secretariat, Dehradun.
4. Chairman, Executive Council, Disaster Mitigation and Management Centre, Dehradun (Secretary, Department of Disaster Management and Rehabilitation, Government of Uttarakhand).
5. Secretary, Department of Personnel, Government of Uttarakhand, Uttarakhand Secretariat, Dehradun.
6. Chief Executive Officer, State Disaster Management Authority, Government of Uttarakhand, Uttarakhand Secretariat (Chief Secretary, Government of Uttarakhand, Dehradun).
7. Director, Uttarakhand Academy of Administration, Nainital.
8. Committee for Regularization of the employees of Disaster Mitigation and Management Centre, Uttarakhand, Dehradun through its Chairman (Secretary, Department of Disaster Management and Rehabilitation, Government of Uttarakhand).

.....**Respondents**

Present: Sri S.C.Virmanani (online) & Sri S.K.Jain, Advocates for the petitioner Sri V.P.Devrani, A.P.O., for the Respondents no. 1 3 & 7  
Sri Rohit Dhyani, Ms. Deepika Dixit Dhyani (*online*),  
Ms. Jahanavi Dimri & Ms. Anajali Vishwakarma, Advocates,  
for the respondents no. 2, 4,5,6, & 8.

## **JUDGMENT**

**DATED: MARCH 20, 2024**

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

Since Sri S.C.Virmanani (*online*) along with Sri S.K.Jain, learned Counsel for the petitioners submitted that petitioners' representations may kindly be directed to be decided by the respondent no. 3, Secretary, Department of Disaster Management and Rehabilitation, Government of Uttarakhand, Uttarakhand Secretariat, Dehradun, therefore, both the petitions are being taken

together for the sake of brevity and convenience with the consent of learned Counsel for the parties.

2. In claim petition No. 118/SB/2023, the petitioner has sought the following reliefs:

I. Issue order or direction for the Respondents to create a post of Executive Director in the structure of Uttarakhand State Disaster Management Authority;

II. Issue order or for the Respondents to provide the petitioner with all consequential benefits since 28.11.2019 when the G.O. was issued for merging DMMC with USDMA of annual increments due in June 2020, 2021, 2022 and 2023 together with routine DA increments and ACP benefit as admissible to other state government employees and continue his EPF subscription and pay interest on the withheld subsistence allowance and salary.

III. Issue order or direction for the respondents to reinstate the nature of employment of the petitioner as Executive Director and rectify the same on all related documents.

IV. Issue any suitable order or direction, which this Hon'ble Tribunal may deem fit and proper on the basis of the facts and circumstances of the case."

3. In claim petition No. 119/SB/2023, the petitioner has sought the following reliefs:

[A] Issue order or direction that the Respondents to regularize the Petitioner on the post of Executive Director in accordance with the provisions of the Regularization Rules, 2013 from the date 13 December 2016, i.e. the date on which other similarly situated employees of Disaster Mitigation and Management Centre were regularized; to create a post of Executive Director in the structure of Uttarakhand State Disaster Management Authority;

[B] Issue order or direction that the Respondents to give all consequential benefits after regularizing the Petitioner on the post of Executive Director in accordance with the provisions of the Regularization Rules, 2013 from 13 December 2016 on which other similarly situated employees of DMMC were regularized;

[C] Issue order or direction that the Respondents to complete the regularization process with respect to the Petitioner on the post of Executive Director in accordance with the provisions of the Regularization Rules, 2013 and regularize him from the date 13 December 2016, the date on which other similarly situated employees of DMMC were regularized;

[D] Issue any suitable, order or direction, which this Hon'ble Tribunal may deem fit and proper on the basis of the facts and circumstances of the case;”

4. After narrating the facts of above noted claim petitions, Sri S.C.Virmanji (*online*) and Sri S.K.Jain, learned Counsel for the petitioners drew attention of the Tribunal towards paras no. 19, to 39 of the Claim Petition No. 118/SB/2023 and paras no. 28 to 49 of the claim petition no. 119/SB/2023 to submit that since respondents have not discharged their duties properly so the petitioner wants to highlight these points, in brief, supported with documents, before respondent no. 3 for redressal of his grievances. A direction be, therefore, given to respondent no. 3 to decide representation(s) of the petitioner in accordance with law.

5. The paragraphs which have been highlighted by learned Counsel for the petitioner in claim petition no. 188/SB/2024 are being reproduced hereinbelow for convenience:

“19. That the petitioner continued working on the post of Senior Executive (Natural Resource Management) in DMMC. That thereafter a GO dated 25.03.2003 was issued by the Principal Secretary, Department of Disaster Management, Government of Uttarakhand which notified the creation and approval of the various posts in DMMC by His Excellency the Governor of Uttarakhand, including that of Executive Director. Copy of the GO dated 25.03.2003 is being annexed as Annexure No. 10 to this Petition.

20. That, in the meantime, an advertisement dated 23.02.2006 was issued by DMMC (Registered office Uttaranchal/Uttarakhand Sachivalaya, Dehradun) for direct recruitment of various vacant posts under DMMC, including that of the Executive Director which had become vacant after completion of the deputation tenure of Prof. R.K.

Pande. Copy of the Advertisement dated 23.02.2006 is being annexed as Annexure No. 11 to this Petition.

21. That since the Petitioner was eligible and qualified for the post of Executive Director he applied for the same. The Petitioner was interviewed by a Committee chaired by the Principal Secretary, Disaster Management and Rehabilitation, Government of Uttarakhand / Chairman, Executive Council, DMMC on 14.06.2006 at Uttarakhand Secretariat, Dehradun.

22. That on the recommendations of the Interview Committee the Petitioner was issued the appointment letter for the post of Executive Director on 27.06.2006. That it is humbly submitted that the appointment was on contractual basis for a period of 03 years and further the appointment letter mentions that all service conditions of the Petitioner are to be at par with that of the employees of Uttaranchal Government in the pay scale 14300-18300. The Terms and Conditions annexed to the appointment letter provides that the (i) appointment is against the specified scale, (ii) incumbent is to be entitled to allowances at par with other government employees, and (iii) incumbent has choice of joining EPF scheme. The appointment letter dated 27.06.2006 and the Joining Letter dated 10.07.2006 are being annexed as Annexure No. 12 to this Petition.

23. That after taking sanction of the Principal Secretary / Chairman, Executive Council, DMMC the term of the Petitioner was further extended for three years in 2009 on same terms and conditions.

24. That in the meantime in the year 2011 Service Rules governing the service conditions of DMMC employees were put into place and the same were issued through GO No. 170/XIV(DMMC)-198(2006) dated 10.02.2011. Since then the services of all the employees of DMMC including that of the Petitioner are being regulated by these Rules. The petitioner has since then been in the service of DMMC continuously and without any break of any kind and since then is working on the post of Executive Director. copy of the Service Rules dated 10.02.2011 is being annexed as Annexure No. 13 to this Petition.

25. That subsequently, DMMC was reconstituted as an autonomous institution under the administrative control of the Department of Disaster Management with the consent of the State Cabinet through G.O. No. 4/2/1/2003-CX dated 07.02.2003 and was accordingly registered under Societies Registration Act, 1860 on 03.06.2004.

26. That thereafter Uttarakhand State Disaster Management Authority (USDMA) was constituted by notification dated 10.10.2007 in accordance with S 14 of the Disaster Management Act (Central Act No. 53 of 2005).

27. That since there was no provision of any office and staff structure under USDMA, the office staff of DMMC was authorized to carry out the functions of USDMA as per the Office Memorandum No. 02/2008 dated 05.01.2008.

28. That the Petitioner in accordance with the above Office Memorandum was executing all the functions of USDMA as he was the Executive Director of DMMC.

29. That now for effective management of disaster related issues in the state of Uttarakhand, by GO dated 28.11.2019 all the posts of DMMC has been merged with USDMA which has been constituted in accordance with the provisions of the Disaster Management Act (Central Act No. 53 of 2005).

30. That it is humbly being submitted before the Hon'ble Tribunal that the Petitioner has done his services in DMMC with utmost dedication, commitment and honesty and has devoted his entire career to the service of the people of the state of Uttarakhand.

31. That the Petitioner has carried out extensive research in the field of disaster management and has to his credit more than 65 research papers in peer reviewed national and international research journals, and has authored a number of reports, manuals, books and popular articles.

32. That the Petitioner produced large volume of printed and audio visual awareness material for disaster management related mass awareness and voluntary compliance of disaster safe techniques and this includes a Censor Board certified popular film, "The Silent Heroes" that was released in multiplexes across the nation on 11.12.2015.

33. That the Petitioner was awarded National Geoscience Award by the Ministry of Mines, Government of India in 2019 in recognition of his outstanding contribution in the field of natural hazard investigation. Copy of the National Geoscience Award is being annexed to this Petition as Annexure No. 14.

34. That Disaster Mitigation and Management Centre was awarded Subash Chandra Bose Apada Prabandhan Puruskar in 2020 by

National Disaster Management Authority, Government of India when the Petitioner was working in the capacity of Executive Director of DMMC. Copy of the Subash Chandra Bose Apada Prabandhan Puruskar is being annexed to this Petition as Annexure No. 15.

35. That despite transferring the Petitioner from DMMC where he was working in the post of Executive Director to USDMA in accordance with the GO dated 28.11.2019, not creating the post of Executive Director in the structure of USDMA is unfair, unjust and violates the spirit of GO dated 28.11.2019.

36. That despite transferring the Petitioner from DMMC where he was working in the post of Executive Director to USDMA in accordance with the GO dated 28.11.2019, not creating the post of Executive Director in the structure of USDMA is unfair, unjust and violates the Right to Equal Opportunity in Public Employment guaranteed under Article 16 of the Constitution of India.

37. That despite transferring the Petitioner from DMMC where he was working in the post of Executive Director to USDMA in accordance with the GO dated 28.11.2019, not creating the post of Executive Director in the structure of USDMA is discriminatory with respect to the Petitioner and hence violates the Right to Equality guaranteed under Article 14 of the Constitution of India.

38. That despite transferring the Petitioner from DMMC where he was working in the post of Executive Director to USDMA in accordance with the GO dated 28.11.2019, not creating the post. of Executive Director in the structure of USDMA is arbitrary, discriminatory and against rule of law, hence violates Article 14 of the Constitution of India.

39. That, in view of the facts and circumstances, it is expedient in the interest of justice that this Hon'ble Tribunal may graciously be pleased to issue an ad interim order directing the Respondents to create the post of Executive Director in the structure of Uttarakhand State Disaster Management Authority and regularize the services of the Petitioner against this post together with promptly providing the Petitioner with all his rightful pending salary and other related dues, during the pendency of present petition, And/or pass such other and further orders which this Hon'ble Tribunal may deem fit and proper in the facts & circumstances of the case, otherwise the petitioner will suffer an irreparable loss.”

6. The paragraphs which have been highlighted by learned Counsel for the petitioner in claim petition no. 119/SB/2024 are being reproduced hereinbelow for convenience:

“[28] That the Petitioner continued working on the post of Senior Executive (Natural Resource Management) in Disaster Mitigation and Management Centre.

[29] That thereafter a GO dated 25.03.2003 was issued by the Principal Secretary, Department of Disaster Management, Government of Uttarakhand which notified the creation and approval of the various posts in DMMC by His Excellency the Governor of Uttarakhand, including that of Executive Director. The GO dated 25.03.2003 is being annexed as Annexure No. 15 to this Petition.

[30] That, in the meantime, an advertisement dated 23.02.2006 was issued by DMMC (Registered office Uttaranchal/Uttarakhand Sachivalaya, Dehradun) for direct recruitment of various vacant posts under DMMC, including that of the Executive Director which had become vacant after completion of the deputation tenure of Prof. R.K. Pande. The Advertisement dated 23.02.2006 is being annexed as Annexure No. 16 to this Petition.

[31] That since the Petitioner was eligible and qualified for the post of Executive Director he applied for the same. The Petitioner was interviewed by a Committee chaired by the Principal Secretary, Disaster Management and Rehabilitation, Government of Uttarakhand / Chairman, Executive Council, Disaster Mitigation and Management Centre on 14.06.2006 at Uttarakhand Secretariat, Dehradun.

[32] That on the recommendations of the Interview Committee the Petitioner was issued the appointment letter for the post of Executive Director on 27.06.2006. That it is humbly submitted that the appointment was on contractual basis for a period of 03 years and further the appointment letter mentions that all service conditions of the Petitioner are to be at par with that of the employees of Uttaranchal government in the pay scale 14300-18300. The Terms and Conditions annexed to the appointment letter provides that the (i) appointment is against the specified scale, (ii) incumbent is to be entitled to allowances at par with other government employees, and (iii) incumbent is to be choice of joining EPF scheme. The appointment



letter dated 27.06.2006 is being annexed as Annexure No. 17 to this Petition.

[33] That after taking sanction of the Principal Secretary / Chairman, Executive Council, DMMC the term of the Petitioner was further extended for three years in 2009 on same terms and conditions.

[34] That in the meantime in the year 2011 Service Rules governing the service conditions of DMMC employees were put into place and the same were issued through GO No. 170/XIV(DMMC)-198(2006) dated 10.02.2011. Since then the services of all the employees of DMMC including that of the Petitioner are being regulated by these rules. The petitioner has since then been in the service of DMMC continuously and without any break of any kind and since then is working on the post of Executive Director. The copy of the Service Rules dated 10.02.2011 has already been annexed as Annexure No. 7 to this Petition.

[35] That subsequently, DMMC was reconstituted as an autonomous institution under the administrative control of the Department of Disaster Management with the consent of the State Cabinet through G.O. No. 4/2/1/2003-CX dated 07.02.2003 and was accordingly registered under Societies Registration Act, 1860 on 03.06.2004.

[36] That thereafter USDMA was constituted by notification dated 10.10.2007 in accordance with S 14 of the Disaster Management Act (Central Act No. 53 of 2005). The Notification dated 10.10.2007 is being annexed as Annexure No. 18 to this Petition.

[37] That since there was no provision of any office and staff structure under USDMA, the office staff of DMMC was authorized to carry out the functions of USDMA as per the Office Memorandum No. 02/2008 dated 05.01.2008.

[38] That the Petitioner in accordance with the above Office Memorandum was executing all the functions of USDMA as he was the Executive Director of DMMC.

[39] That now for effective management of disaster related issues in the state of Uttarakhand, by GO dated 28.11.2019 all the posts of DMMC have been merged with USDMA which has been constituted in accordance with the provisions of the Disaster Management Act (Central Act No. 53 of 2005).

[40] That it is humbly being submitted before the Hon'ble Tribunal that the Petitioner has done his services in DMMC with utmost dedication, commitment and honesty and has devoted his entire career to the service of the people of the state of Uttarakhand.

[41] That the Petitioner has carried out extensive research in the field of disaster management and has to his credit more than 65 research papers in peer reviewed national and international research journals, and has authored a number of reports, manuals, books and popular articles.

[42] That the Petitioner produced large volume of printed and audio-visual awareness material for disaster management related mass awareness and voluntary compliance of disaster safe techniques and this includes a Censor Board certified popular film, "The Silent Heroes" that was released in multiplexes across the nation on 11.12.2015.

[43] That the Petitioner was awarded National Geo science Award by the Ministry of Mines, Government of India in 2019 in recognition of his outstanding contribution in the field of natural hazard investigation. Copy of the National Geoscience Award is being annexed to this Petition as Annexure No. 19.

[44] That the Disaster Mitigation and Management Centre (DMMC) was awarded Subash Chandra Bose Apada Prabandhan Puruskar in 2020 by National Disaster Management Authority, Government of India when the Petitioner was working in the capacity of Executive Director of DMMC. Copy of the Subash Chandra Bose Apada Prabandhan Puruskar is being to this Petition as Annexure No. 20.

[45] That despite fulfilling all the eligibilities as per the Regularization Rules 2013 on the effective date, 30.12.2013, not regularizing the Petitioner from 13 December 2016 while regularizing the other similarly situated employees of DMMC is unfair, unjust and violates Regularization Rules 2013.

[46] That despite fulfilling all the eligibilities as per the Regularization Rules 2013 on the effective date, 30.12.2013, not regularizing the Petitioner from 13 December 2016 while regularizing the other similarly situated employees of DMMC is unfair, unjust and violative of Right to Equal Opportunity in Public Employment guaranteed under Article 16 of the Constitution of India.

[47] That despite fulfilling all the eligibilities as per the Regularization Rules 2013 on the effective date, 30.12.2013, not regularizing the

Petitioner from 13 December 2016 while regularizing the other similarly situated of DMMC is discriminatory with respect to the Petitioner and hence violates of Right to Equality guaranteed under Article 14 of the Constitution of India.

[48] That despite fulfilling all the eligibilities as per the Regularization Rules 2013 on the effective date, 30.12.2013, not regularizing the Petitioner from 13 December 2016 while regularizing the other similarly situated employees of DMMC is arbitrary, discriminatory and against rule of law, hence violative of Article 14 of the Constitution of India.

[49] That, in view of the facts and circumstances, it is expedient in the interest of justice that this Hon'ble Tribunal may graciously be pleased to issue an ad interim order directing the Respondents to complete the process of regularization of the Petitioner on the post of Executive Director from 13 December 2016 in accordance with the Regularization Rules 2013, during the pendency of present Petition, And/or pass such other and further orders which this Hon'ble Tribunal may deem fit and proper in the facts & circumstances of the case, otherwise the petitioner will suffer an irreparable loss.”

7. In addition, Sri S.K.Jain, learned Counsel for the petitioner submitted that, earlier there was an interim stay on Regularization Rules, 2013 in WPSB No. 616/2018, Narendra Singh and another vs. State of Uttarakhand & others and connected writ petitions but, now, the Hon'ble High Court of Uttarakhand has decided these petitions on 22.02.2024. Sri Jain, therefore, prayed that a direction be given to the respondents to consider regularization of the petitioner in the light of such decision of the Hon'ble High Court.

8. Sri V.P.Devrani, learned A.P.O. and Sri Rohit Dhyani, learned Counsel for the respondents no. 2, 4,5,6, & 8 have no objection if a direction is given to the respondents to decide the representation of the petitioner, as per law.

9. Innocuous request of learned Counsel for the petitioner should be accepted. Ld. Counsel for the parties submitted that such an order can be passed by Single Bench of the Tribunal.

10. The claim petitions are, accordingly, disposed of, with the consent of learned Counsel for the parties, by directing respondent no. 3 to decide representation (s) of the petitioner, by a reasoned and speaking order, in accordance with law, at an early date, preferably within 12 weeks of presentation of certified copy of this order along with representation (s), enclosing relevant documents in support thereof. No order as to costs.

11. Let a copy of this judgment be kept on the file of Claim Petition No. 119/SB/2023.

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

*DATED: MARCH 20.03.2024*  
*DEHRADUN.*  
*KNP*