

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

Through Audio Conferencing

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO. 117/DB/2020

B.S.Negi

.....Petitioner

vs.

1. Govt. of Uttarakhand through its Secretary, Housing Department, Govt. of Uttarakhand.
2. Secretary/Vice Chairman, Mussoorie Dehradun Development Authority, Dehradun.
3. Secretary/Vice Chairman, District Development Authority, Nainital.
4. Govt. of Uttar Pradesh through its Secretary, Housing Department, Uttar Pradesh, Lucknow.
5. Chief Town and Village Planner, Urban and Village Planning Department, Uttar Pradesh, Lucknow.

..... Respondents

Present: Dr. N.K.Pant, Advocate, for the Petitioner.

Sri V.P.Devrani, A.P.O., for the Respondents.

JUDGMENT

DATED: DECEMBER 10, 2020

Justice U.C.Dhyani (Oral)

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

“(a). Issue an order or direction calling for the record and granting the pension benefit as per orders of the Govt.

(b). Issue an order or direction calling for the record and to direct the respondent to pay the salary from July 2020 to October 2020 with interest at an early stage.

(c). Issue any suitable claim, order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

(d) Award the cost of claim petition to the petitioner.”

2. Brief facts, giving rise to present Claim Petition, are as follows:

Petitioner was appointed as Junior Engineer in the pay scale of Rs. 300-500 in the office of Designated Authority, Regulatory Area Gopeshwar, Chamoli on 01.12.1980. His services were governed by the Uttar Pradesh Town and Country Planning Department Subordinate Technical Service Rules, 1994. Petitioner worked as Junior Engineer in different Regulatory Areas under Town and Country Planning Department *w.e.f.* 01.12.1980 to 14.05.2002. When the petitioner was appointed in the Regulatory Area, Muzaffar Nagar, U.P., the Govt. U.P. has decided that the Muzaffar Nagar City shall be converted into Muzaffar Nagar Development Authority in the year 1996 and the services of the petitioner were absorbed in the Development Authority. The pay protection was also granted to him. As per Uttar Pradesh G.O. No. 957 dated 03-04/05.2020 and as per option of the petitioner, he was relieved for the State of Uttarakhand and joined his services in the new State on 14.05.2002. The services rendered by the petitioner were pensionable, hence, G.P.F. account No. was allotted to the petitioner in the concerned department and upto the year 2002, regular deduction was made by the department from his salary. Pension contribution was also deposited by the petitioner till the year 2002.

After completion of 40 years of satisfactory service, the petitioner retired from service on 31.10.2020. Similarly situated employees of the Regulatory Authority in State of Uttarakhand were provided the pension and other retiral benefits. The petitioner is entitled to get pension, gratuity, commutation etc. from the respondent department. The petitioner has not been given those benefits, whereas, similarly employees of the Nagar and Gram Niyojan Vibhag Uttarakhand have been given the retirement benefits by the department concerned.

The petitioner filed a representation dated 12.10.2020 before the respondents for grant of pension and other benefits, but no action has been taken by the respondent department. Hence, this petition.

3. It is the submission of Ld. Counsel for the petitioner that petitioner has moved a representation to Respondent No.1 on 12.10.2020 (Annexure:A-13), but, till date, no decision has been taken on the same by Respondent department.

3. After arguing the claim petition at some length, Ld. Counsel for the petitioner confined his prayer only to the extent that since petitioner's representation dated 12.10.2020 (Annexure: A-13) has not been decided by Respondent No.1 so far, therefore, the same may kindly be directed to be decided, by the Respondents No. 1 & 2, after giving opportunity of personal hearing to the petitioner, at an early date, in accordance with law.

4. The innocuous prayer made by the petitioner is not opposed by Ld. A.P.O. and is worth accepting.

6. The claim petition is, accordingly disposed of, at the admission stage, by directing Respondents No. 1& 2 to decide pending representation of the petitioner, by a reasoned and speaking order, after giving opportunity of personal hearing to the petitioner, in accordance with law, at an earliest possible, but not later than 8 weeks of presentation of certified copy of this order, along with a copy of pending representation.

8. Needless to say that the decision so taken, shall be communicated to the petitioner soon thereafter.

9. It is made clear that we have not expressed any opinion on the merits of the case. Rival contentions of the parties are left open.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: DECEMBER 10, 2020
DEHRADUN

KNP