

**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.163/SB/2019.

Laxman Singh Rawat, s/o Late Sri Uttam Singh Rawat, presenting Rtd. Forest Ranger, Forest Department, District Rudraprayag.

.....Petitioner

vs.

1. State of Uttarakhand through Secretary, Forest, Govt. of Uttarakhand, Dehradun.
2. Chief Conservator of Forest, Uttarakhand, Dehradun.
3. Divisional Forest Officer, Rudraprayag, Forest Range Rudraprayag, Uttarakhand.

.....Respondents

Present: Dr. N.K.Pant, Advocate, the petitioner.
Sri V.P.Devrani, A.P.O., for the respondents.

JUDGMENT

DATED: JULY 16, 2021

Justice U.C.Dhyani (Oral)

By means of present claim petition, petitioner, *inter alia*, prayed for direction to the respondents for immediate payment of petitioner's remaining salary and increments payable to him from 01.01.2006 to 31.01.2012 with 18% interest.

2. Petitioner is a retired Forest Ranger. He retired on 31.01.2012. Some of the retiral dues have already been released to him by the Respondent

Department. According to him, Respondent Department still owes some retiral dues to him. According to the petitioner, his increments from 01.01.2006 to 31.01.2012 (total Rs.91327-00/-) have not been paid to him. He also claims 18% interest on the said sum along with a compensation of Rs. 5 lacs for his mental harassment.

3. In the claim petition, the petitioner has disclosed, in various paragraphs, as to how the Respondent Department owes Rs.91327-00/-, with interest, to him.

4. Initially, a short Counter Affidavit was filed by Sri Vaibhav Kumar Singh, IFS, DFO/ Dy. Conservator of Forests, Rudraprayag Division, Rudraprayag, on behalf of respondents. Paras 5-10 of the short Counter Affidavit are important, and are, therefore, being reproduced herein below for convenience:

“5. That the petitioner was initially appointed in the Forest Department in the year 1972 on the post of Assistant Clerk. The petitioner retired from the Forest Department on 31.01.2012 from the post of Range Officer.

6. That the petitioner by means of the claim petition alleges that he has not been given his arrears of salary for the period 01.01.2006 to 31.01.2012 for which he had made representations before the respondents authorities and finally approached the Hon'ble Tribunal for the relief sought in the present claim petition.

7. That the matter of petitioner for grant of arrears of salary for the period 01.01.2006 to 31.01.2012 was considered by the deponent. On 13.04.2007 the petitioner was promoted from the post of Deputy Ranger to the post of Range Officer. His claim for arrears of salary is thus payable from the period 13.04.2007 to 31.01.2012. The deponent *vide* his letter dated 21.11.2019 to Directorate Treasury & Pension, Uttarakhand supplied the service record of the petitioner with request for directions whether the petitioner is entitled for the arrears of salary for the period 13.04.2007 to 31.01.2012.

8. That the Directorate Treasury & Pension, Uttarakhand *vide* its order dated 05.12.2019 to the deponent directed that arrears of salary fixation of the

petitioner has to be done by the Divisional Forest Officer, Rudraprayag Forest Division.

9. That the respondent no.3 after direction from the Directorate Treasury & Pension, Uttarakhand calculated the arrears payable to the petitioner for the period 13.04.2007 to 31.01.2012. Then by Voucher No. A24060006 dated 31.12.2019 a sum of Rs.71807/- as arrears of salary for the period 13.04.2007 to 31.01.2012 was transferred into the Bank Account of the petitioner. A copy of Voucher No. A24060006 dated 31.12.2019 is annexed and marked as Annexure No. 1 to this short counter affidavit.

10. That the sum payable to the petitioner has been transferred into the Bank Account of the petitioner, therefore, the relief sought by the petitioner in the present claim petition is complied with. In view of the above stated facts, no cause of action survives and the claim petition is liable to be dismissed.”

[*Emphasis supplied*]

5. Rejoinder Affidavit thereto has been filed by the petitioner on 19.02.2020.
6. When the Tribunal was hearing the claim petition on 19.02.2020, a direction was given to Ld. A.P.O. to furnish the details of month-wise payment of arrears of the petitioner *vis-à-vis* statement supplied by the petitioner as ‘colly’ to Annexure-A 1.
7. The details of payment of salary, allowances and arrears were furnished on behalf of the Respondents along with affidavit, on 20.11.2020. We do not feel it necessary to reproduce the contents of such affidavit, for the same is already part of record.
8. Supplementary R.A. was filed by the petitioner on 26.11.2020 in response to the affidavit dated 20.11.2020. In para 6 of such R.A., it was stated that a sum of Rs.38500/- is still outstanding against the Respondent Department. Respondent No.3 was persuaded by this Tribunal to make payment of remaining legitimate dues of the petitioner. Respondent No.3 responded positively to such directions of the Tribunal, by releasing balance of Rs.15600/- to the petitioner *vide* Office Order dated 12.07.2021. An affidavit has been filed by Sri Gaurav Negi, Forest Range

Officer, Rudraprayag to this effect on 12.07.2021 itself, which was taken on record. The Tribunal does not feel it necessary to reproduce the contents of such affidavit, for the same is also part of record.

9. On 12.07.2021, this Tribunal requested Ld. Counsel for the petitioner to respond to the compliance affidavit within three days. Today, Ld. Counsel for the petitioner, on seeking instructions from his client, stated that all payments of the petitioner have been made. Petitioner is satisfied with the same.
10. In this way, not only the claim petition has been decided, but payments have also been ensured to the petitioner to his satisfaction.
11. The Tribunal records its appreciation for Sri Vaibhav Kumar Singh, I.F.S., for ensuring prompt compliance of Tribunal's orders.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JULY 16, 2021
DEHRADUN

VM