

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL  
BENCH AT NAINITAL**

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

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

**CLAIM PETITION NO. 01/NB/DB/2021**

1. Govind Ballabh aged about 40 years, s/o Late Sri Laxmi Dutt Thuwal, presently serving as Head of Department (Information Technology), Government Polytechnic Lohaghat, District Champawat.
2. Rohit Joshi, s/o Sri Ishwari Prasad Joshi, presently serving as Head of Department (Electronics), Government Polytechnic Champawat, District Champawat.
3. Ravindra Kumar Nariyal, s/o Sri Shankar Dutt Nariyal, presently serving as Head of Department (Applied Science), Government Polytechnic Bans Bagad, District Pithoragarh.
4. Mrs. Kiran Kharkwal, w/o Sri Sanjay Kumar Mishra, presently serving as Head of Department (Pharmacy), Government Polytechnic Gauchar, District Chamoli.
5. Mukesh Tiwari, s/o Sri Kewala Nand Tiwari, presently serving as Head of Department (Pharmacy), Government Polytechnic Pithuwala, Dehradun, District Dehradun.

.....Petitioners

**VS.**

1. State of Uttarakhand through Secretary, Technical Education Department, Government of Uttarakhand, Dehradun.
2. Secretary, Finance Department, Government of Uttarakhand, Dehradun.
3. Director, Technical Education, Uttarakhand, Srinagar (Garhwal).

.....Respondents.

Present: Sri Bhagwat Mehra, Advocate, for the Petitioner.

Sri Kishor Kumar, A.P.O., for the Respondents.

**JUDGMENT**

**DATED: DECEMBER 01, 2021**

**Sri Rajeev Gupta, Vice Chairman (A)(Oral)**

This claim petition has been filed by the petitioners for seeking the following reliefs:

*"A. To declare the inaction on the part of the Respondents in the matter, as arbitrary and illegal.*

*B. To direct the Respondents, particularly Respondent No. 1 to forthwith implement the AICTE Norms, service condition, pay scales etc. in the Government Polytechnics of Uttarakhand State, keeping in view of the judgment dated 04.11.2001 passed by Hon'ble Allahabad High Court in Writ Petition No. 13727 of 1991 and Judgment dated 23.03.2011, as well as the judgment dated 01.02.2017, passed by Hon'ble Supreme Court and consequential Government Orders issued by State of U.P.*

*C. To direct the Respondents, to grant all consequential benefits to the petitioners from due date.*

*D. To pass any other suitable order as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.*

*E. To allow the claim petition with cost."*

2. Petitioners have been appointed on regular and substantive basis on the post of Lecturers in different disciplines in Govt. Polytechnics of the State of Uttarakhand in different years. They are seeking implementation of the All Indian Council for Technical Education (for short known as 'AICTE') Norms, Service Conditions, Pay Scales etc. in the Govt. Polytechnics of Uttarakhand in view of the judgment dated 04.11.2001 of Hon'ble High Court in Writ Petition No. 13727 of 1991 (Federation of Indian Polytechnics Teachers Organization vs. Director, Technical Education, U.P. and another) and subsequent judgments of Hon'ble Allahabad High Court/ Hon'ble Supreme Court and consequential orders issued by the State of U.P.

3. Counter Affidavits have been filed on behalf of respondents No. 1 & 3 and Rejoinder Affidavit on behalf of the petitioners has also been filed.

4. We have heard arguments of both the sides and perused the record.

5. Learned Counsel for the petitioners draws our attention to Annexure: 8 of the claim petition, which is a letter dated 16.04.2019 written by the Director, Technical Education, Uttarakhand to the Additional Chief Secretary, Technical Education, Govt. of Uttarakhand, referring to the letter dated 13.03.2019 of the Uttarakhand Polytechnic Teachers Association, demanding implementation of the pay scales according to AICTE Regulations, 2019 for the Govt. Polytechnics of Uttarakhand. With this letter, Director, Technical Education, has also enclosed the proposal sent *vide* Directorate's letter dated 12.12.2018 to adopt all the provisions of AICTE applicable to Polytechnic Institutions in Uttarakhand and has requested for necessary action to be taken regarding implementation of AICTE pay scales in Govt. Polytechnics of Uttarakhand. This letter also mentions that the AICTE pay scales have been implemented in the Govt. Polytechnic Institutions of 24 States and 7 Union Territories including U.P.

6. Learned Counsel for the petitioners has also referred to the representation dated 22.06.2020 of the petitioner no. 1 in this regard, addressed to the Additional Chief Secretary/Principal Secretary/Secretary, Training & Technical Education, Uttarakhand Govt. with copy to Director, Technical Education, Uttarakhand (Annexure: 11 to the claim petition), which has been forwarded to the Director, Technical Education by the Principal, Govt. Polytechnic, Lohaghat, District Champawat *vide* his letter dated 22.06.2020 (Annexure: 12). According to learned Counsel for the petitioners, no action has been taken by the Govt. so far on the letter dated 16.04.2019 of Director, Technical Education (Annexure: 8) and this representation of the Petitioner No. 1. Learned Counsel for the petitioners also argued that the orders of Hon'ble Allahabad High Court in such a matter, which has been filed before the creation of new State of Uttarakhand (in the present case filed in 1991) are applicable to the State of Uttarakhand also in view of Section 35 of the U.P. Reorganization Act, 2000.

7. Learned A.P.O. in his arguments has contended that the Govt. of Uttarakhand had not been impleaded in the above referred case adjudicated by the Hon'ble High Court of Allahabad and that AICTE pay scales are not obligatory to be enforced by the State Govt. He argues that no legal grounds have been taken by the petitioners which bind the State Govt. to enforce the AICTE pay scales for the employees of the Govt. Polytechnic Institutions of State of Uttarakhand. He further argues that the petitioners of the present claim petition have been appointed after the creation of the State of Uttarakhand and they were not the members of the Federation of the Indian Polytechnic Teachers Organization in the year 1991 and thus are not entitled to any relief on the basis of the aforesaid judgment of the Hon'ble High Court of Allahabad.

8. We feel that ends of justice would be met, if respondents take suitable decision on the letter dated 16.04.2019 of the Director, Technical Education and the representation of the Petitioner No.1. We accordingly, direct Respondent no. 1 to take suitable decision, in consultation with Respondent no.2, and pass a speaking and reasoned order on this letter/proposal of respondent no. 3 and the representation of petitioner no.1, after affording an opportunity of hearing to the petitioners within a period of three months from the date of presentation of certified copy of this order.

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

10. The claim petition is disposed of as above. No order as to costs.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)

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

*DATE: DECEMBER 01, 2021*  
*DEHRADUN*

*KNP*