

**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. 15/NB/DB/2022

Krishna Chandra Chaturvedi aged about 59 years s/o Sri Daya Krishna Chaturvedi r/o 67 Dugai, Bhowali Range, Nainital District Nainital.

.....Petitioner

vs.

1. State of Uttarakhand through its Secretary, Finance Government of Uttarakhand, Secretariat, Dehradun.
2. Director, Department of Accounts, Dehradun.

.....Respondents

Present: Sri I.D.Paliwal, Advocate, for the petitioner
Sri Kishor Kumar, A.P.O., for the Respondents

JUDGMENT

DATED: MARCH 29, 2022

Justice U.C.Dhyani (Oral)

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

- (i) *Issue an order or direction, commanding and directing the respondents to sanction 3rd Financial Upgradation as per Government Orders, as per the services rendering 26 years of satisfactory service in the department on the Grade Pay of Rs. 6600 since 3.8.2016.*
- (ii) *Issue an order or direction commanding the respondents to pay the arrear of salary as against Grade Pay of Rs. 6600 since 3.8.2016 to till date.*
- (iii) *Issue any other or further writ, order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.*
- (iv) *To award the cost of the petition in favour of the petitioner.*

2. The petitioner was initially appointed as Assistant Accountant on the pay scale of Rs. 470-15-575-EB-15-650-17-701-EB-17-735 on 27.01.1989. After rendering 8 years' satisfactory service, the selection grade was given to the petitioner by which one additional increment was sanctioned in the pay scale of Rs. 5000-8000. Thereafter, the pay scales of the post of Accountant were revised from time to time.

The first financial upgradation has been given to the petitioner as against the post of Accountant after rendering 14 years of satisfactory service in the year 2006 *i.e.* 06.07.2006 in the pay scale of Rs. 7450-11500, which was revised in the pay scale of Rs. 9300-34800 Grade Pay of Rs. 4800. The second financial upgradation has been granted to the petitioner pursuant to the G.O. no. 250 dated 30.12.2016 since 01.09.2008 in the Grade Pay of Rs. 5400.

It is the submission of learned Counsel for the petitioner that after rendering 26 years of satisfactory service in the department, the third financial upgradation *i.e.* Grade Pay of Rs. 6600 should be sanctioned to the petitioner. Petitioner submitted various representations to the authority concerned on 02.06.2017, 23.11.2017, 22.6.2020, 17.08.2020 and 25.11.2020, but no action has been taken on the same.

3. At the very outset Ld. A.P.O. objected to the maintainability of the claim petition, *inter alia*, on the ground that the same is barred by limitation in view of Section 5(1)(b)(i) of the Uttar Pradesh Public Services (Tribunal) Act, 1976 (as applicable to Uttarakhand).

4. After arguing the claim petition at some length, Ld. Counsel for the petitioner confined his prayer only to the extent of directing the respondents to consider petitioner's representation, in accordance with law.

5. Limitation is for the Tribunal and not for the Govt. Considering the facts of the case and oral submissions made in this behalf, this Tribunal is of the view that innocuous prayer made by learned Counsel for the petitioner is worth accepting.

6. Without prejudice to rival contentions, the claim petition is disposed of at the admission stage by requesting the Respondents to consider petitioner's representation after affording him opportunity of hearing, in accordance with law, at an earliest possible and without unreasonable delay, on presentation of certified copy of this order, along with a copy of representation enclosing the documents in support thereof.

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

8. It is made clear that this Tribunal has not expressed any opinion on the merits of the claim petition.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: MARCH 29, 2022
DEHRADUN
KNP