

Claim Petition No. 38/NB/DB/2019

Naresh Chandra vs. State of Uttarakhand & others

Dated: 16.08.2022

After hearing arguments of learned Counsel for the parties at length, the judgment was reserved on 13.07.2022 and the parties were asked to file written submissions, if they so desire. Written submission dated 16.07.2022 has been filed by learned Counsel for the petitioner, in which, it has been stated that Sri Gauri Shankar Pandey, who was appointed in the year 1997 on the post of Programmer in the Economic & Statistic Wing of Planning Department in the pay scale of Rs. 8550-14600/- in the State of U.P., has been given the benefit of 1<sup>st</sup> ACP in the pay scale of Rs. 15600-39100/- Grade Pay of Rs. 7600 and 2<sup>nd</sup> ACP in the Pay Scale of Rs. 37400-67000, grade pay of Rs. 8700/- vide order dated 29.01.2019 of the Planning Department. Copy of this order has also been enclosed with the written submission as Annexure no. 1. The case of Sri Gauri Shankar Pandey has also been mentioned by the petitioner in para 12 of the R.A. as below:

*“12.....It is also relevant to mention here that another employee of the same department i.e. Planning Department, Mr. Gauri Shankar Pandey who was appointed initially in same post of programmer of pay scale of Rs. 8550-14600 in U.P. has been given the benefits of revised pay scale Rs. 15600-39100 grade pay Rs. 6600 and all the benefits of ACP as per Government Orders issued by the Uttarakhand State.”*

Learned A.P.O. has sought many opportunities to file Supplementary Affidavit to the R.A. filed by the petitioner, but the same has not been filed. Learned A.P.O. has submitted that he had contacted the department many times for filing Supplementary Affidavit to the R.A. filed by the petitioner, but no instructions have been received by him.

The grant of above 1<sup>st</sup> and 2<sup>nd</sup> ACPs to Sri Gauri Shankar Pandey shows that he must have been absorbed on the post of Programmer by the Govt. of Uttarakhand in the Pay Scale of Rs. 15600-39100, Grade Pay Rs. 6600/- as the next higher grade pays/scale have been given to him as 1<sup>st</sup> and 2<sup>nd</sup> ACP. In the interest of justice, it is necessary to know the following: -

- (i) The post and the pay scale/grade pay on which Sri Gauri Shankar Pandey was absorbed in Uttarakhand Govt. with copy of the corresponding Govt. Order about the staff structure.

- (ii) Sri Gauri Shankar Pandey and the petitioner, both were on the same post of Programmer in Planning Department of U.P. Why Sri Pandey has been absorbed by Govt. of Uttarakhand on the post in grade pay of Rs. 6600/- while the petitioner is being absorbed on the post in grade pay of Rs. 5400/-?
- (iii) Was a post of Programmer in the Economics and Statistic Wing of the Planning Department of Uttarakhand available before joining of Sri Gauri Shankar Pandey or was it subsequently created? What were/are the further promotional prospects from the post of Programmer in the Economics and Statistic Wing?
- (iv) If the petitioner had been allocated to Uttarakhand and had joined the Uttarakhand Govt. in the time of 5<sup>th</sup> Pay Commission, what post and in what pay scale/grade pay would have been created for his absorption.

Respondents may file the above information along with affidavit by 08.09.2022.

RAJEEV GUPTA  
VICE CHAIRMAN (A)

KNP

JUSTICE U.C.DHYANI  
CHAIRMAN