

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

Present : Hon'ble Mr. Rajendra Singh

..... Vice-Chairman (J)

&

Hon'ble Mr. Rajeev Gupta

..... Vice-Chairman (A)

Claim Petition No. 29/NB/DB/2018

1. Mahendra Singh, S/o Sri Ratan Singh, presently working as Electrician, Government Post Graduate College Khatima, District-Udham Singh Nagar.
2. Ranjeet Singh Matiyali, S/o Sri Kheem Singh Matiyali, presently working as Electrician, Government Post Graduate College Ramnagar, District-Nainital.
3. Devi Ram, S/o Sri Durga Ram, presently working as Electrician, Government Post Graduate College Kashipur, District Udham Singh Nagar.

..... Petitioners

Versus

1. State of Uttarakhand through Principal Secretary, Higher Education, Uttarakhand Government of Dehradun.
2. Director, Higher Education Uttarakhand, Haldwani, District Nainital.
3. Secretary Finance, Uttarakhand Government of Dehradun.

4. Principal, H.N.B. Government P.G. College, Khatima, District Udham Singh Nagar.
5. Principal, Government P.G. College, Ramnagar, District-Nainital.
6. Principal, Government P.G. College, Kashipur, District-Udham Singh Nagar.

..... Respondents

Present: Sri A. D. Tripathi, Advocate for the petitioners  
Sri Kishore Kumar, Ld. A.P.O. for the respondents

### **JUDGMENT**

**DATED : 26<sup>th</sup> July, 2022**

#### **Mr. Rajeev Gupta (Oral)**

This claim petition has been filed seeking following reliefs: -

- “(i) Issue a order or direction to set aside the order No. 420/xxiv (4)/2018-09(22)/2018 dated 8 May 2018, passed by the respondents contained in **Annexure No, 1** to the petition.
- (ii) Issue a order or direction to the respondent to grant grade pay of Rs. 2400 instead of Rs. 2000, as has been paid to the similarly situated employees working on the same and similar post of Electrician in various other Department such as in Electricity, Irrigation, PWD and Pey Jal Nigam etc., Departments, the relevant G.O. are annexed with the writ petition.
- (iii) Issue a order or direction to the respondent to apply staffing pattern on the post of Electrician, being Ministerial Staff, petitioners are entitled for such benefits according to the

G.O. No. 67 dated 17-06-2016, contained in Annexure No. 9 to the writ petition.

- (iv) Issued a order or direction to the respondent to consider the petitioner being eligible for promotion on the higher post, guaranteed under Article 16 of the Constitution.
- (v). Issue any further order or direction which this Hon'ble Court may deem fit and proper considering the facts and circumstances of the case.
- (vi) Award the cost of the petition.”

2. Petitioners are Electricians working in the Post Graduate Colleges of the State and they are seeking the grade pay of Rs. 2400/- instead of Rs. 2000/-, which has been paid to the Electricians in various Departments, such as Electricity, Irrigation, PWD, Pey Jal Nigam etc. Their request for the same has been rejected by the Additional Chief Secretary of Higher Education Department vide office memorandum dated 8<sup>th</sup> May, 2018 (**Annexure No. 1** to the claim petition).
3. We have heard the learned Counsel for the parties and perused the record.
4. Counter Affidavit filed on behalf of the respondent No. 3 (Secretary, Finance Department, Government of Uttarakhand) states that the proposal for upgradation of grade pay of the Electricians of the Government Post Graduate Colleges to Rs. 2400/- from Rs. 2000/- was presented before the Pay Anomaly Committee whose recommendation is as below: -

“Complete details/information and record about the demand are not available. Pay scales admissible earlier have been subsequently revised in which mistake or anomaly of pay revision/fixation has not been stated. Therefore, the State Government can examine the matter from all aspects and dispose of the same.”

5. After this recommendation of the Pay Anomaly Committee the impugned order dated 08.05.2018 has been issued by Higher Education Department.
6. In the Supplementary Affidavit filed on behalf of the petitioners, the letter dated 31.05.2019 of Director, Higher Education addressed to the Additional Secretary, Higher Education Section-4, Government of Uttarakhand, Dehradun has been enclosed as **Annexure No. S.A.-2** in which the Government Order dated 01.02.2016 by which the Electricians working in the PWD have been given the higher grade pay of Rs. 2400/- has been referred and it is stated that similarly in the Higher Education Department, the upgradation of grade pay of Electrician and *Tabla Vaadak* to Rs. 2400/- appears to be justified and Government has been requested to take a decision about such upgradation. It appears that the Government has not taken any decision on this letter dated 31.05.2019 of Director, Higher Education.
7. The Tribunal feels that the ends of justice would be met, if the Government is asked to take well considered decision on the proposal made in the above letter dated 31.05.2019

of the Director, Higher Education in consultation with the Finance Department within a period of three months from the presentation of certified copy of this order. The Government may also take note of the fact that the Electricians in various other departments have been given the grade pay of Rs. 2400/- and the proposal which was earlier sent for upgradation of grade pay of Rs. 2400/- of Electricians of Post Graduate Colleges by Government to the Pay Anomaly Committee was not considered by the Pay Anomaly Committee, as the proposal did not have complete details/information and record. The Government may also afford an opportunity of personal hearing to the petitioners, if so they desire.

8. Department of Higher Education may also consider applying staffing pattern on the post of Electricians as prayed by the claim petitioners.
9. Order as above. The claim petition is accordingly disposed of. No orders as to costs.

**(RAJENDRA SINGH)**  
VICE CHAIRMAN (J)

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

*DATED : 26<sup>th</sup> July, 2022*  
*NAINITAL*

BK