

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL  
AT DEHRADUN**

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

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

**Claim Petition No. 51/SB/2021**

Sri Trilok Chand, s/o late Sri Samay Singh, r/o 12, Manak Vihar,  
Sahastradhara Road, Upper Adhoiwala, Dehradun.

.....Petitioner

versus

1. Managing Director, Forest Development Corporation, Dehradun.
2. Auditor General (Accounts), Uttarakhand.
3. State of Uttarakhand (through Secretary), Ministry of Forest & Environment, Uttarakhand.

..... Respondents

Present: Sri Naman Kamboj, Advocate, for the petitioner  
Sri B.S. Rawat, Advocate, for respondent no. 1  
Sri Sunil Dhyani, Advocate, for respondent no. 2  
Sri V.P. Devrani, Advocate, for respondent no. 3

**Judgement**

**Dated: 20<sup>th</sup> February, 2023**

**Justice U.C. Dhyani (Oral)**

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

- “(i) The Uttarakhand Forest Department Corporation Office Letter No. 2270 dated 23.07.2019 (Annexure No. 1), Letter No. 2344 dated 26.07.2019 (Annexure No. 2) and Letter No. 5109 dated 29.11.2019 (Annexure No. 3) be quashed for being arbitrary and wholly illegal.
- (ii) The Respondents be directed to not to make any recovery (Rs. 2,63,231/-) from the petitioner in pursuance to any arrears paid by the respondent to the petitioner.

- (iii) The Respondents be directed to refix the pay scale and grade pay of the claimant in pursuance to various orders dated 30.11.2011 and 04.12.2017 and 29.12.2016 passed by Government of Uttarakhand, Office Letter no. 5388 dated 04.12.2017, Letter No. 2225 dated 30.11.2011 and letter no. 698 dated 29.12.2016 and further be directed to strictly implement courts order 17/DB/2013 dated 04.04.2018.
- (iv) Any other relief which this Hon'ble Tribunal finds appropriate."

2. At the very outset, Sri Naman Kamboj, learned Counsel for the petitioner, drew attention of this Tribunal towards supplementary affidavit filed by the petitioner on 07.11.2022 and submitted that a direction be given to M.D., Uttarakhand Forest Development Corporation (respondent no. 1) to take a decision on the audit calculation memo dated 21.09.2022, which has been enclosed with the supplementary affidavit. Learned Counsel for the petitioner submitted that in the audit calculation memo, every minute detail of the claim of the petitioner has been determined.

3. In reply, Sri B.S. Rawat, learned Counsel for the respondent no. 1, submitted that it is an internal audit report, which is contrary to the report of Accountant General, Uttarakhand, respondent no. 2 and final decision is yet to be taken on the same by respondent no. 1.

4. Learned Counsel for the petitioner, therefore, prayed that a direction be given to respondent no. 1 to take a decision on the same.

5. Innocuous prayer of the learned Counsel for the petitioner is worth accepting, in view of the facts narrated above.

6. The claim petition is disposed of by directing respondent no. 1 to take a decision on audit calculation memo dated 21.09.2022, by a reasoned and speaking order, at the earliest, preferably within 12 weeks of presentation of certified copy of this order, in accordance with law. No order as to costs.

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

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

*DATE: 20<sup>th</sup> February, 2023*

*DEHRADUN*

*RS*