

**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)

**WRIT PETITION (S/B) NO. 422 OF 2014**

[RECLASSIFIED AND RENUMBERED AS CLAIM PETITION NO. 107/NB/DB/2022]

1. Sri Vichitra Narayan Kandpal S/O Late A.B. Kandpal At present working as Health Education Officer, Primary Health Center, Okhalkanda, District Nainital.
2. Sri Ramesh Chandra Bhandari S/o Late D.S. Bhandari R/O Village and P.O. Nathuwala Via (Raipur) District Dehradun.
3. Sri Laxmi Prasad Uniyal S/o Sri Shankar Dutt Uniyal At present working as Health Education Officer, Community Health Center, Joashimath, District Chamoli.
4. Sri Pan Singh Ghariya S/o Hari Singh Ghariya At Present working as Health Education Officer, Community Health Center, Doiwala, District Dehradun.
5. Sri Badri Prasad Sharma S/o Late Ishwari Dutt At Present working as Health Education Officer, Community Health Center, Tharali, District Chamoli.
6. Virendra Dutt Bijlwan S/o Late Chandramani Bijlwan At present working as Health Education Officer, Community Health Center, Chaka, Tehri Garhwal.
7. Umadutt Thapaliyal S/o Late Sri Bali Ram Thapliyal R/O Bhaniyawala, Rishikesh Road, District Dehradun.
8. Sri Hari Ram Arya S/o Late Gumani Ram At present working as Health Education Officer, Community Health Center, Tharali, District Chamoli.
9. Sri G.S. Rana S/O Sri Bachan Singh Rana At present working as Health Education Officer, Primary Health Center, Ukhimath District Rudraprayag.
10. Sri Santosh Kumar Karki S/O Sri Trilok Singh Karki R/o Pipaltarh, P.O. Muwani, District Pithoragarh.
11. Sri Dhani Ram Belwal S/O Late Visheswar Dutt Belwal R/o New Tehri Chamba, near Gautam Residency Tehri Garhwal,
12. Sri Vijendra Singh Rawat S/o Sri Kali Ram Rawat R/o Village Aleth, P.O. Manpur, Patti Balagari, Uttarkashi.
13. Sri Prakash Chandra Kargeti S/o Late Lok Mani Kargeti R/o Dhar Ki Tuni, P.O. Pokharkhali District Almora
14. Sri Jait Singh Adhikari S/O Late Himmatt Singh Adhikari R/O Village Thakulari, P.O. Tarikhet, District Almora.

.....**Petitioners**

Vs

1. State of Uttarakhand through Chief Secretary, Uttarakhand Sashan, Dehradun.
2. Principal Secretary, Finance, Uttarakhand Sashan, Dehradun.
3. Principal Secretary, Health Uttarakhand Sashan, Dehradun.
4. Director General, Medical Health & Family Welfare, Uttarakhand, Dehradun.

.....**Respondents**

Present: Sri Chitrarth Kandpal, Advocate for the Petitioners &  
 Sri H.C.Dobhal & Sri N.K.Papnoi, Advocate for the Petitioners no. 2 & 7  
 Sri Kishore Kumar, A.P.O. for the respondents

**JUDGMENT**

**DATED: FEBRUARY 22, 2023**

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

Hon'ble High Court of Uttarakhand has been pleased to pass an order on 20.09.2022 in WPSB no. 422 of 2014, Vichitra Narayan Kandpal and others vs. State of Uttarakhand & others, which (order) reads as under:

"We find that the petitioners are public servants.

The reliefs sought by the petitioners are as follows:

"i) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent authorities to remove the pay disparity of the Health Education Officers with the officers working in the State Government Department in the Gazetted post and petitioner may be provided the pay scale of Rs.15,600/- to Rs.39,100/- with grade pay of Rs.5400/-.

ii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent authorities to fix the salary of the Health Education Officer in the higher pay scale after completing the 26 years of satisfactory services".

2) The reliefs sought by the petitioners squarely fall for consideration within the jurisdiction of the Uttarakhand Public Services Tribunal.

3) Considering the fact that the petition is pending since the year 2012, we direct the Registry to transmit the complete record of the case to the Tribunal, which shall be registered as a claim petition by the Tribunal, and be dealt with accordingly. Considering the age of the case, the Tribunal is requested to expedite its hearing.

4) The writ petition stands disposed of.

All pending applications also stands disposed of."

2. The original record of the writ petition has been transferred to this Tribunal vide Letter No. 13840/UHC/Service (S/B) 2022 dated 26.09.2022 of the Deputy Registrar (Judicial) of the Hon'ble High Court. The same has been registered as Claim Petition No. 107/NB/DB/2022. Since the reference in this Tribunal shall be of the writ petition filed before the Hon'ble High Court, but shall be dealt with as claim petition, therefore, the claim petition shall be referred to as 'petition' and petitioner shall be referred to as 'petitioner', in the body of the judgment.

3. The petitioners' grievance is that they have not been given the benefit of pay scale of Rs. 15600-39100 with grade pay Rs. 5400/- after completion of 26 years' satisfactory service, while other employees of the same pay scale have been given the benefit of this pay scale. It is submitted that the petitioners who have been promoted from the post of Health Assistant to the post of Health Education Officer cannot be denied to get the pay scale of Rs. 15,600-39100 with grade pay of Rs. 54,00/- which is revised to Rs. 66,00 and the same is provided to the persons working on the post of Health Education Officer who have been recruited through the Public Service Commission.

4. It is the submission of Ld. Counsel for the petitioners that State Family Medical Welfare Association has moved representation to the Director, Medical Health and Family Welfare Department for the pay benefits after completion of 26 years of satisfactory service, which is pending decision of the authorities of the respondent department. The innocuous prayer of the petitioners is that the same may kindly be directed to be decided, in accordance with law, to which Ld. A.P.O. has no objection.

5. Without prejudice to rival contentions, the petition is disposed of, by directing the respondent department to decide the representation moved on behalf of State Family Medical Welfare Association to the Director, Medical Health and Family Welfare Department, by a reasoned and speaking order, in accordance with law, preferably within a period of 12 weeks of presentation of certified copy of this order along with fresh representation enclosing the documents in support thereof. Whenever such representation is decided, it will be the responsibility of the respondent department to communicate the same to the petitioners. No order as to costs.

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

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

*DATED: FEBRUARY 22, 2023*  
*DEHRADUN.*  
*KNP*