

**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. 72/NB/DB/2020

Naresh Pal, aged about 51 years, s/o Sri Bir Singh, r/o Rehar, Ward No. 2, Bhowali Nainital, presently working as Conductor, Uttarakhand Transport Corporation, Bhowali Depot, Nainital.

.....Petitioner

Vs.

1. State of Uttarakhand through Principal Secretary, Transport Department, Dehradun.
2. General Manager (Administration), Headquarter, Uttarakhand Transport Corporation 01, Raj Vihar, Chakrata Road, Dehradun.
3. Divisional Manager (Operation), Uttarakhand Transport, Kathgodam, Nainital.
4. Assistant General Manager, Uttarakhand Transport Corporation, Bhowali Depot, Nainital.

.....Respondents

Present: Sri Harish Adhikari, Advocate for the petitioner
Sri Kishore Kumar, A.P.O., for the Respondent No. 1
Sri Prem Kaushal, Advocate for Respondents No. 2 to 4

JUDGMENT

DATED: MAY 02, 2023

Mr. Rajeev Gupta, Vice Chairman(A) (Oral)

This claim petition has been filed seeking the following reliefs:

1. To quash the letter dated 12.07.2019 issued by the General Manager (Administration) Head Quarter Corporation, Dehradun, order dated 09.07.2020 issued by the Assistant General Manager, Uttarakhand Transport Corporation, Bhowali, Nainital and order dated

01.09.2020 issued by the Divisional Manager (Operation) UTC Nainital Division Kathgodam, Nainital, contained Annexure No. 01, 02 and 03 to this claim petition.

II. To direct the respondents to grant the benefits of 1st and 11nd ACP in the grade pay of Rs. 2400-2800 to the petitioner as allowed to the other employees in the Uttarakhand Transport Corporation alongwith the consequential benefits.

III. To award any other relief in favour of the applicant which this Hon'ble Tribunal may deem fit and proper in these circumstances of this case.

IV. To award the cost of the petition in favour of the applicant as against the respondents."

2. Counter Affidavit has been filed by the respondent Corporation and Rejoinder Affidavit to the same has been filed by the claim petitioner.

3. The facts in brief of the claim petition are that the petitioner has been awarded the punishment of stoppage of increments (without cumulative effect) a number of times and according to the office order dated 09.07.2020 issued by the Assistant General Manager of the respondent corporation, in his pay fixation, these stoppage of increments have been applied one after the other with the result that the last stoppage of increment of one year ordered on 27.01.2014, has been shown to be effective in the year 2023. The petitioner has not been granted any ACP because of these punishments. The petitioner has brought out the case of many other similarly placed employees of the respondent corporation, who have been granted ACPs even during the pendency of their punishment orders and has also pointed out to certain orders of respondent corporation whereby the punishments of stoppage of increment is not always to be treated to be one after the other and can be treated to run simultaneously also.

4. After hearing learned Counsel for the parties at some length, the Tribunal feels it proper that the petitioner may make a detailed representation to the Managing Director of the respondent corporation stating the various other cases of similarly situated employees which he

has obtained through RTI and the Managing Director may ensure that a suitable decision is taken in case of the petitioner in consonance with the similar decisions taken in respect of other employees of the corporation who have been given similar punishments.

5. Order accordingly.

6. The petitioner may make a representation to the Managing Director as above with the certified copy of this order within a period of one month from today and the Managing Director may take suitable decision on the same by passing a speaking and reasoned order within a period of three months thereafter. No order as to costs.

(RAJENDRA SINGH)
VICE CHAIRMAN (J)

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

DATE: MAY 02, 2023

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