

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

Present: Hon'ble Mr. Rajendra Singh

----- Vice Chairman (J)

**CLAIM PETITION NO. 113/NB/SB/2021**

Lala Ram aged about 61 years, s/o Late Sri Gandan Lal, r/o Preet Vihar Colony, Phase-I, House No. C-16, Rudrapur, District Udham Singh Nagar.

.....Petitioner

**Vs.**

1. State of Uttarakhand through Secretary, Dairy Department, Govt. of Uttarakhand, Dehradun.
2. Director, Dairy Development Department, Uttarakhand, Haldwani, District Nainital.
3. Udham Singh Nagar, Dugdh Utpadan Sahakari Sangh Ltd., Khateema, District Udham Singh Nagar through its Principal Manager.

.....Respondents

Present: Sri Sanjay Bhatt, Advocate for the petitioner  
Sri Kishore Kumar, A.P.O., for the Respondents No. 1 & 2  
Sri Ashish Belwal, Advocate for Respondent no. 3

**JUDGMENT**

**DATED: JUNE 13, 2023**

This claim petition has been filed seeking the following reliefs:

*"1- Issue appropriate, order or direction, directing the official Respondents take a decision in the pending proposal submitted initially on 31.01.2018 followed by subsequent proposals and recommendations dated 27-10-2018 and 25.05.2019 and consequently sanction and pay the revised pay scale to the Petitioner in terms of G.O. dated 16-01-2013 and 08-02-2013 considering the fact that similar benefit has been given to the other employees of Dairy at Lalkuan and Dehradun and also to pay all consequential benefits including arrears of difference of salary and post retiral dues.*

*2. Issue appropriate, order or direction, directing the official Respondents revise pension and other post retiral*

*dues on the basis of revised pay scale w.e.f. 01-01-2013 and to pay the difference of amount with interest.*

*3. Issue any suitable, order or direction, which this Hon'ble Tribunal may deem fit and proper on the basis of the facts and circumstances of the case.*

*4. Award the cost of the petition to the petitioner."*

2. The facts, in brief, are that the petitioner was initially appointed as Typist in Nainital Dugdh Sahkari Sangh Ltd. and after serving 10 years, he was transferred to Udham Singh Nagar Dugdh Utpadan Sahkari Sangh Ltd., Khateema. Petitioner was promoted to the post of Senior Typist and was further promoted to the post of Office Superintendent and thereafter promoted as Assistant Manager in the year 2008. After serving 33 years in the department, the petitioner demitted the office of reaching the age of superannuation on 30.06.2020.

On 16.01.2013, a G.O. was issued whereby the pay scale of various posts in the Cooperative Department was revised w.e.f. 01.04.2013. Another G.O. was issued on 08.02.2013 whereby the date of revised pay scale was preponed w.e.f. 01.01.2013. In compliance of the provisions of these G.Os., Nainital Dugdh Utpadak Sahkari Sangh Ltd. Lalkuan Nainital passed a resolution whereby, it was decided to pay scale on non-management posts be revised.

3. Learned Counsel for the petitioner submitted that a proposal was submitted initially on 31.01.2018 followed by subsequent proposals and recommendations dated 27.10.2018 and 25.05.2019 to the Govt. of Uttarakhand referring all the relevant communications and sought approval of the Govt. for sanctioning the revised pay scale in terms of G.O. dated 16-01-2013 and 08.02.2013, which is pending for decision. It has further been submitted that similar benefit has been given to the other employees of Dairy at Lalkuan and Dehradun, but in the case of the petitioner a different stand is being taken. Learned Counsel for the petitioner prayed that a direction may kindly be given to the official respondents to take a decision on the pending proposal and consequently

sanction and pay the revised pay scale to the petitioner in terms of G.O. dated 16.01.2013 and 08.02.2013 considering the fact that similar benefit has been given to the other employees of Dairy at Lalkuan and Dehradun. Learned Counsel for the respondents have no objections to such prayer of learned Counsel for the petitioner for direction to decide the pending proposal.

4. Accordingly, the claim petition is disposed of by directing the respondent no. 1 to take a suitable decision on the pending proposal before them, which was initially submitted on 31.01.2018 followed by subsequent proposals and recommendations dated 27.10.2018 and 25.05.2019, within a period of three months, in accordance with law, from the date of presentation of certified copy of this order. If the petitioner is found entitled, the pension and other post retiral dues etc. be revised accordingly. No order as to costs.

5. It is made clear that the Tribunal has not expressed any opinion on the merits of the case.

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

*DATE: JUNE 13, 2023*  
*DEHRADUN*  
*KNP*