

**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. 41/NB/DB/2021

1. Majju Khan (Male) aged about 57 years, S/o Sri Bashir Ahmad, presently serving as Assistant Teacher, L.T. Grade, Government Higher Secondary School, Pooranpur, Block Jaspur, District Udham Singh Nagar.
2. Lalit Mohan Singh (Male) aged about 53 years, S/o Sri Godhan Singh Rawat, presently serving as Lecturer (English), Government Inter College, Kunda, Block Jaspur, District Udham Singh Nagar.
3. Rohitashwa Kumar Yadav (Male), aged about 59 years, S/o Sri Raja Ram Singh, presently serving as Assistant Teacher, L.T. Grade, Government Higher Secondary School, Asthavhei, Block Sitarganj, District Udham Singh Nagar.
4. Dr. Ramesh Chandra Satyawali (Male), aged about 55 years, S/o Sri Govind Ballabh Satyawali, presently serving as Lecturer (Hindi), Government Inter College, Chhoi, Block Ramnagar, District Nainital.
5. Vijay Kumar Chaudhary (Male), aged about 57 years, S/o Sri Rajendra Singh Chaudhary, presently serving as Lecturer (English), Government Inter College, Jakh, Block Karanprayag, District Chamoli.
6. Kamleshwar Prasad Thapliyal (Male), aged about 57 years, S/o Sri Lalita Prasad Thapliyal, presently serving as Lecturer (English), Government Inter College, Neuli (Aakri), District Tehri Garhwal.

.....Petitioners

VERSUS

1. State of Uttarakhand, through Secretary, Department of School Education, Government of Uttarakhand, Dehradun.

2. Director, Secondary Education, Uttarakhand, Nanoorkhera, Dehradun.
3. Additional Director of Education (Secondary), Kumaon Division, Nainital.
4. Chief Education Officer, Udham Singh Nagar

.....Respondents

Present: Sri Bhagwat Mehra, Advocate, for the petitioners
Sri Kishore Kumar, A.P.O. for respondents

JUDGMENT

DATE: JUNE 20, 2023

HON'BLE MR. RAJEEV GUPTA, VICE CHAIRMAN (A) (Oral)

This claim petition has been filed seeking the following reliefs:-

- “A. To direct the Respondents to grant the benefit of Selection Grade of Pay as well as Promotional Pay Scale to the petitioners after counting the services rendered by them in C.T. Grade.
- B. To direct the Respondents to grant all consequential benefits to the petitioners including revision of Selection Grade of Pay and Promotion Pay Scale.
- C. To issue any other order or direction, which this Tribunal may deem fit and proper in the circumstances of the case.
- D. Award the cost of the Claim petition in favour of the petitioner.”

2. Brief facts of the case are that earlier the petitioners were selected in C.T. Grade and subsequently, they appeared for the examination conducted by Subordinate Staff Selection Commission with the permission of the Department. Through this selection, they got the appointment on the post of Assistant Teacher (L.T. Grade). There is no break in their service between C.T. Grade and L. T. Grade and they had joined L.T. Grade before completing 05 years of service in C.T. Grade.

3. The Government has issued a Government Order dated 21.11.2006 (Annexure-10 to the claim petition), according to which Assistant Teachers

of C. T. Grade, who were merged on the post of Assistant Teacher (L.T. Grade) after completion of 05 years' service in C.T. Grade were given the benefit of counting the service of C.T. Grade for consideration of selection grade and promotional pay scale. Had the petitioners been selected for the L.T. Grade after completion of 05 years' service in C. T. Grade or absorbed on L. T. Grade posts after 05 years' service in C.T. Grade, they would have got selection/promotional pay scales on earlier dates as addition of C. T. Grade service period would have made them eligible on earlier dates for such scales. Their representations in this regard to the Hon'ble Minister and Directorate of Education are pending since 15.10.2008 and no decision on the same has not been taken as yet.

4. The contention of the respondents is that since the petitioners did not fulfil the condition of 05 years' service in C.T. Grade. they were not covered by Government Order dated 21.11.2006 and, therefore, the benefit of C. T. Grade service for consideration of selection/promotional pay scales cannot be granted to them.

5. We have heard learned Counsel for the parties and perused the record.

6. The Tribunal observes that the respondents have not taken any decision on the representations made by the petitioners so far. Therefore, the Tribunal directs that the petitioners shall make a fresh representation alongwith relevant documents to the respondent No. 1 alongwith certified copy of this order within one month from today and the respondent No. 1 shall decide the same by a reasoned and speaking order within three months thereafter.

7. With the above directions, the claim petition is disposed of. No order as to costs.

(RAJENDRA SINGH)
VICE CHAIRMAN (J)

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

DATE: JUNE 20, 2023

NAINITAL

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