

**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)

CLAIM PETITION NO. 89/NB/DB/2023

Gajendra Singh, (Male) aged about 45 years, s/o Late Sri Aan Singh, r./o Kulyal Gaon, P.O. Chura Mehta, Block Pati District Champawat, presently serving as Class-IV employee in the office of District Panchayat Raj Officer, Champawat.

.....**Petitioner**

Vs.

1. State of Uttarakhand, through Secretary, Panchayati Raj Department, Government of Uttarakhand, Dehradun.
2. Director, Panchayati Raj Department, Uttarakhand, Danda Lakhond, Near I.T. Park, Shahastradhara Road, Dehradun.
3. District Panchyat Raj Officer, Champawat.

.....**Respondents**

Present: Sri Bhagwat Mehra, Advocate for the Petitioner
Sri Kishore Kumar, A.P.O. for the official respondent (s)

JUDGMENT

DATED: JUNE 16, 2023

Justice U.C.Dhyani (Oral)

RELIEFS

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

“A. To direct the Respondents No. 1 and 2 to forthwith take a decision on the proposal/ recommendation dated 25-04-2022 sent by the Respondent No. 3 to the Respondent No. 2 (Annexure No. 9 to the Compilation No. II).

B. To pass any other suitable order as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

C. To allow the claim petition with cost."

PETITIONER'S VERSION

2. Facts of present claim petition, in brief, are as follows:

2.1 The petitioner's father died in harness, as such, the petitioner, who was fully eligible and qualified, applied for compassionate appointment on the Class-III post of Village Development Panchayat Officer in which petitioner's father was working. However, for the reasons best known to it. Respondent No. 3 *vide* order dated 09.06.2000, appointed the petitioner on compassionate ground on Class-IV post in the Pay Scale of Rs. 2550-3200/- on supernumerary post. It appears that at the relevant time, the Cadre of Village Development Panchayat Officer was declared as a Dying Cadre however the same was later on revived.

2.2 Since the appropriate post of Class-III *i.e.* Village Panchayat Development Officer, was not given to the petitioner, as such he made various representations immediately after his joining on the Class-IV post. One such representation was sent in the month of December, 2005, which was forwarded by the Respondent No. 3 along with his forwarding letter dated 21.12.2005. Thereafter, the Respondent No. 3 *vide* letter dated 23.12.2006 sought consent and details of all employees appointed on compassionate grounds who were desirous to be absorbed as Village Panchayat Development Officer, as such the Respondent No. 3 *vide* letter dated 06.01.2007 forwarded the consent of the petitioner as well as, to the Respondent No. 2.

2.3 The petitioner has moved representations on 10.03.2010, in the month of March 2015. *Vide* letter dated 16.09.2015, the respondent No. 3 sent a detailed report in the matter to the respondent No. 2. The Respondent No. 2 issued a letter on 29.01.2016 to the Respondent No. 3 seeking certain informations. When no decision was taken in the matter for a considerable long period, the petitioner again submitted detailed representations on

24.09.2020 and on 01.07.2021 to the Respondent No. 2. The petitioner again submitted a detailed representation on 07.04.2022 to the Respondent No. 3. The Respondent No. 3, thereafter, constituted a committee and the said committee recommended in favour of the petitioner. As such, the respondent No. 3 vide letter dated 25.04.2022 along with report of the Committee referred the matter to the respondent No. 2 for a decision.

2.4 Even thereafter, when no decision was taken in the matter for a period of more than 01 year, the petitioner submitted an application on 20.05.2023 under the RTI Act in the office of Respondent No. 3, seeking certain information. Respondent No. 3 vide reply dated 02.06.2023, informed that regarding petitioner's absorption/ promotion, the matter was forwarded to the State Government vide letter dated 24.07.2021, which is pending consideration of the State Govt.

SUBMISSIONS

3. It is the submission of learned Counsel for the petitioner that till date, no decision has been taken on the proposal/recommendation dated 25.04.2022 sent by the respondent No. 3 to the respondent No. 2, although a period of more than 01 year has already elapsed. In a welfare State, the State Government and its authorities cannot be permitted to sit over the legitimate claims of its employees for an indefinite period. The innocuous prayer of the petitioner is that a suitable direction may kindly be issued to the respondents, particularly respondents No. 1 and 2, to forthwith take a decision, in accordance with law, on the recommendation dated 25.04.2022 (Annexure No. 9). Learned A.P.O. submitted that he has no objection if a direction is given to the respondent no. 2 to take a suitable decision on the recommendation dated 25.04.2022, in accordance with law.

4. Considering the above noted facts of the case, innocuous prayer of learned Counsel for the petitioner is worth accepting.

DIRECTION

5. Without prejudice to rival contentions, the claim petition is disposed of, at the admission stage, by directing respondent No. 2, to take a suitable decision, on the recommendation dated 25.04.2022 (Annexure No. 9), without unreasonable delay, in accordance with law, preferably within a period of eight weeks, on presentation of certified copy of this order along with recommendation dated 25.04.2022 (Annexure No. 9). No order as to costs.

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

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATED: JUNE 16, 2023
DEHRADUN.
KNP