

**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. 104/NB/DB/2023**

1. Champa Nagdali (Female, A/a 45 Years) W/o Sri. Gopal Singh Nagdali, presently serving as Assistant Teacher (Primary), Government Primary School, Sundarkhali, P.O.- Nartola, Block- Okhalkanda, Tehsil- Dhari, District- Nainital.
2. Kamla Nagdali (Female, A/a 44 Years) W/o Sri. Dinesh Singh, Nagdali, presently serving as Assistant Teacher (Primary), Government Primary School, Mahtoli, P.O.- Nartola, Block- Okhalkanda, District- Nainital.
3. Bhagwati Sharma (Female, A/a 42 Years) W/o Sri. Banshidhar, presently serving as Assistant Teacher (Primary), Government Primary School, Chanejar, Josuyda, Okhalkanda, District- Nainital.
4. Sundar Singh (Male, A/a 45 Years) S/o Sri. Bhawan Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Mohana Gaon, P.O. Nartola, Block- Okhalkanda, Tehsil- Dhari, District- Nainital.
5. Narendra Bora (Male, A/a 47 Years) S/o Sri. Uttam Singh Bora, presently serving as Assistant Teacher (Primary), Government Primary School, Sunkot, P. O. Jasyuda, Block – Okhalkanda, Tehsil- Dhari, District- Nainital.
6. Prakashpuri (Male, A/a 47 Years) S/o Sri. Prem Puri, presently serving as Assistant Teacher (Primary), Government Primary School, Kafli, P.O. Surang, Block- Okhalkanda, Tehsil- Dhari, District- Nainital.
7. Bhaskaranand Pandey (Male, A/a 47 Years) S/o Sri. Krishna Pandey, presently serving as Assistant Teacher (Primary), Government Primary School, Talli Danshili, P.O. Dholigaon Block- Okhalkanda, Tehsil- Dhari, District- Nainital.
8. Kaushtubhanand Pandey (Male, A/a 39 Years) S/o Sri. Girish Chandra Pandey, presently serving as Assistant Teacher (Primary), Government Primary School, Dholigaon, P.O.-Dholigaon, Block- Okhalkanda, District- Nainital.

9. Umesh Chandra Joshi (Male, A/a 45 Years) S/o Sri. Tikaram Joshi, presently serving as Assistant Teacher (Primary), Government Primary School, Danshili Malli, P.O.-Dholigaon, Block-Okhalkanda, Tehsil- Dhari, District- Nainital.
10. Dhanshyam Joshi (Male, A/a 43 Years) S/o Sri. Khimanand Joshi, presently serving as Assistant Teacher (Primary), Government Primary School, Talla Kanda, P.O.-Dholigaon, Block – Dhari, District- Nainital.
11. Jeevan Singh Kuwar (Male, A/a 44 Years) S/o Sri. Kishan Singh Kuwar, presently serving as Assistant Teacher (Primary), Government Primary School, Bheti Dayarkholi, P.O.- Dholigaon, Tehsil- Dhari, Block- Okhalkanda, District- Nainital.
12. Bhuwan Chandra Joshi (Male, A/a 45 Years) S/o Sri. Jaydat Joshi, presently serving as Assistant Teacher (Primary), Government Primary School, Dhena, P.O.-Dholigaon, Block-Okhalkanda, Tehsil- Dhari, District- Nainital.
13. Jeevan Chandra Upreti (Male, A/a ---- Years) S/o Sri. Murlidhar Upreti, presently serving as Assistant Teacher (Primary), Government Primary School, Bhonra Malla, P.O.-Jasyuda, Block- Okhalkanda, Tehsil-Dhari, District- Nainital.
14. Umesh Singh (Male, A/a 42 Years) S/o Sri. Ram Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Pantoli, P.O.- Nartolla, Block – Okhalkanda, Tehsil- Dhari, District- Nainital.
15. Anil Kumar Bahuguna (Male, A/a 45 Years) S/o Sri. Vishnu Dutt Bahuguna, presently serving as Assistant Teacher (Primary), Government Primary School, Karayal, P.O.-Tushrad, Block – Okhalkanda, Tehsil – Dhari, District- Nainital.
16. Ramesh Chandra Arya (Male, A/a 47 Years) S/o Sri. Santosh Ram, presently serving as Assistant Teacher (Primary), Government Primary School, Rakuna, P.O.- Tushrad, Block- Okhalkanda, Tehsil- Dhari, District- Nainital.
17. Bhairav Singh Rawat (Male, A/a 51 Years) S/o Sri. Degar Singh Rawat, presently serving as Assistant Teacher (Primary), Government Primary School, Kwadal, P.O.- Naai, Block- Okhalkanda, Tehsil- Dhari, District- Nainital.
18. Khasthi Bohra (Female, A/a 46 Years) D/o Sri. Bhawan Singh Rawat, presently serving as Assistant Teacher (Primary), Government Primary School, Okhalkanda Talla, P.O.- Okhalkanda, Tehsil- Dhari, District- Nainital.
19. Neema Sharma (Female, A/a 48 Years) D/o Sri. Umesh Chandra Rubali, presently serving as Assistant Teacher (Primary), Government Primary School, Adhora, P.O.- Adhora, Tehsil- Dhari, District- Nainital.

20. Basanti Devi (Female, A/a 42 Years) W/o Sri. Lalit Mohan Sharma, presently serving as Assistant Teacher (Primary), Government Primary School, Matela, Block- Okhalkanda, District- Nainital.
21. Deepa Pandey (Female, A/a 41 Years) W/o Sri. Heera Ballabh Pandey, presently serving as Assistant Teacher (Primary), Government Primary School, Khalwadi, Block- Okhalkanda, District- Nainital.
22. Chandrawati Nayal (Female, A/a 42 Years) W/o Sri. Lal Singh Nayal, presently serving as Assistant Teacher (Primary), Government Primary School, Nai, P.O.- Naai, Block- Okhalkanda, District- Nainital.
23. Kamla Bhatt (Female, A/a 42 Years) W/o Sri. Vipin Chandra Bhatt, presently serving as Assistant Teacher (Primary), Government Primary School, Dungari, Block- Okhalkanda, District- Nainital.
24. Saraswati Devi (Female, A/a 47 Years) W/o Sri. Rajendra Singh Nayal, presently serving as Assistant Teacher (Primary), Government Primary School, Sirsa, Block- Okhalkanda, District- Nainital.

.....Petitioners

Versus

1. State of Uttarakhand through Secretary, Education, Government of Uttarakhand, Dehradun.
2. Director (Elementary Education), Government of Uttarakhand, Dehradun.
3. Additional Director (Elementary Education), Kumaun Mandal, Nainital.
4. Deputy Education Officer, Okhalkanda, District- Nainital.

.....Respondents

Present: Sri Manish Bisht, Advocate for the petitioners  
Sri Kishore Kumar, A.P.O., for the State respondents

### **JUDGMENT**

**DATED: JULY 10, 2023**

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

This claim petition has been filed for the following reliefs:

*“i) Issue order or direction, directing the respondent authorities to grant the benefit of pay increment and other service benefits (which the counterparts of the petitioners working as regular Assistant Teacher (Primary) are getting).*

*ii) Issue any other order or direction, which this Hon’ble*

*Tribunal may deem fit and proper in the circumstances of the case.*

*lil) Award the cost of the petition in favour of the applicants."*

2. Heard learned Counsel for the petitioners and learned A.P.O.
3. Petitioners' contention is that they were initially engaged as *Shiksha Mitra* in different Schools and consequently, in compliance of the orders of Hon'ble High Court, they were given provisional appointment on the post of Assistant Teacher (Primary School) in the pay scale of Rs. 9300-34800, Grade Pay Rs. 4200/-, but further increments and service benefits are not being provided to them except granting the pay fixation according to the 7<sup>th</sup> Pay Commission. Their representation dated 25.03.2023, addressed to the respondent no. 2 in this regard has not been decided so far and orally they have been told that since their appointment is provisional, such benefit cannot be given to them. Learned Counsel for the petitioners has confined his prayer to the extent that the representation dated 25.03.2023 of the petitioners may kindly be directed to be decided by the respondent no. 2 at an early date by a reasoned and speaking order.
4. The Tribunal without going into the merits of the case deems it appropriate to direct respondent no. 2, to decide the pending representation dated 25.03.2023 of the petitioners within a period of two months after presentation of certified copy of this order along with fresh copy of the representation, by a reasoned and speaking order.
5. The claim petition thus stands disposed of, at the admission stage itself. No order as to costs.

**(RAJENDRA SINGH)**  
VICECHAIRMAN(J)

**(RAJEEVGUPTA)**  
VICE CHAIRMAN (A)

DATE: JULY 10, 2023  
DEHRADUN  
KNP