

**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. 106/NB/DB/2023

1. Balwant Singh Adhikari (Male, A/a 42 Years) S/o Sri. Jeet Singh Adhikari, presently serving as Assistant Teacher (Primary), Government Primary School, Simalkhet, Tehsil-Pati, District- Champawat.
2. Krishna Chandra (Male, A/a 47 Years) S/o Sri. Umesh Chandra, presently serving as Assistant Teacher (Primary), Government Primary School, Taan, Tehsil-Pati, District- Champawat.
3. Govind Singh (Male, A/a 40 Years) S/o Sri. Kundan Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Pipalti, Tehsil-Pati, District- Champawat.
4. Dhan Singh (Male, A/a 47 Years) S/o Sri. Gyan Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Riyansi, Tehsil- Champawat, District- Champawat.
5. Jagraj Singh (Male, A/a 44 Years) S/o Sri. Pratap Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Jaakh, Tehsil-Pati, District- Champawat.
6. Rachna Tadagi/Adhikari (Female, A/a 42 Years) W/o Sri. Anand Adhikari, presently serving as Assistant Teacher (Primary), Government Primary School, Lafda, Tehsil- Champawat, District- Champawat.
7. Maan Singh Bora (Male, A/a 42 Years) S/o Sri. Tara Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Pilkhi, Tehsil- Lohaghat, District- Champawat.
8. Prakash Singh Meher (Male, A/a 42 Years) S/o Sri. Karam Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Kulethi, Tehsil- Champawat, District- Champawat.
9. Shyam Singh (Male, A/a 49 Years) S/o Sri. Chandan Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Barkum, Tehsil- Champawat, District- Champawat.
10. Sher Singh Kunwar (Male, A/a 45 Years) S/o Sri. Chandan Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Nida, Tehsil- Champawat, District- Champawat.
11. Diwan Singh (Male, A/a 43 Years) S/o Sri. Shivraj Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Chodagaon, Tehsil-Pati, District- Champawat.

12. Prem Singh (Male, A/a 52 Years) S/o Sri. Nain Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Tamtabagad, Tehsil-Pati, District- Champawat.
13. Meenakshi Jukaria (Female, A/a 42 Years) W/o Sri. Harish Jukaria, presently serving as Assistant Teacher (Primary), Government Primary School, Dingdi, Tehsil- Champawat, District- Champawat.
14. Kalawati Joshi (Female, A/a 45 Years) W/o Late. Dinesh Chandra, presently serving as Assistant Teacher (Primary), Government Primary School, Digali Chaur, Tehsil- Lohaghat, District- Champawat.
15. Kamla Paneru (Female, A/a 44 Years) W/o Sri. Jagdish Chandra Paneru, presently serving as Assistant Teacher (Primary), Government Primary School, Sindala, Tehsil-Champawat, District- Champawat.
16. Mamta Bhatt (Female, A/a 39 Years) W/o Sri. Devki Chandra Bhatt, presently serving as Assistant Teacher (Primary), Government Primary School, Suyallarkh, Tehsil-Champawat, District- Champawat.
17. Chandrakala Kholia (Female, A/a 44 Years) W/o Sri. Mohan Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Lodiashera, Tehsil- Champawat, District- Champawat.
18. Ishwari Tadagi (Female, A/a 44 Years) W/o Sri. Tara Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Kari, Tehsil-Champawat, District- Champawat.
19. Savita Bisht (Female, A/a 39 Years) W/o Sri. Balam Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Betta, Tehsil-Champawat, District- Champawat.
20. Savita Joshi (Female, A/a 40 Years) W/o Sri. Ramesh Chandra Joshi, presently serving as Assistant Teacher (Primary), Government Primary School, Kainyuda, Tehsil- Champawat, District- Champawat.
21. Reena Bohra (Female, A/a 39 Years) W/o Sri. Rajendra Singh Bohra, presently serving as Assistant Teacher (Primary), Government Primary School, Pau, Tehsil- Lohaghat, District- Champawat.
22. Sheela Bohra (Female, A/a 42 Years) W/o Sri. Chattar Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Raidhadi, Tehsil-Barakot, District- Champawat.
23. Rekha Mahra (Female, A/a 45 Years) W/o Sri. Harish Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Jankande, Tehsil-Pati, District- Champawat.
24. Radhika Bohra (Female, A/a 43 Years) W/o Sri. Ganesh Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Batulabaanz, Tehsil-Pati, District- Champawat.
25. Lalit Prasad Binwal (Male, A/a 44 Years) S/o Sri. Baldev Binwal, presently serving as Assistant Teacher (Primary), Government Primary School, Tola, Tehsil-Pati, District- Champawat.
26. Harish Chandra (Male, A/a 45 Years) S/o Sri. Ishwari Dutt, presently serving as Assistant Teacher (Primary), Government Primary School, Punauli, Tehsil-Pati, District- Champawat.

27. Naveen Mahrana (Male, A/a 52 Years) S/o Sri. Gaje Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Birgul, Tehsil-Champawat, District- Champawat.
28. Chintamani Bhatt (Male, A/a 52 Years) S/o Sri. Mahadev Bhatt, presently serving as Assistant Teacher (Primary), Government Primary School, Golidhura, Tehsil- Champawat, District- Champawat.
29. Urmila Bisht (Female, A/a 49 Years) W/o Sri. Pushkar Singh Bisht, presently serving as Assistant Teacher (Primary), Government Primary School, Doobchaura, Tehsil-Champawat, District- Champawat.
30. Rekha Mauni (Female, A/a 42 Years) W/o Sri. Rajan Mauni, presently serving as Assistant Teacher (Primary), Government Primary School, Goaldaanda, Tehsil-Pati, District- Champawat.
31. Leelawati/Kalawati Goswami (Female, A/a 47 Years) W/o Sri. Mahesh Giri Goswami, presently serving as Assistant Teacher (Primary), Government Primary School, Kulyalgaon, Tehsil-Pati, District- Champawat.
32. Dinesh Chandra Joshi (Female, A/a 52 Years) S/o Sri. Krishnanand Joshi, presently serving as Assistant Teacher (Primary), Government Primary School, Sirnapokhari, Tehsil-Pati, District- Champawat.
33. Laxmi Joshi (Female, A/a 43 Years) W/o Sri. Umesh Chandra, presently serving as Assistant Teacher (Primary), Government Primary School, Khirkuda, Tehsil-Pati, District- Champawat.
34. Meena Mahra (Female, A/a 41 Years) W/o Sri. Ratan Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Sirmoli, Tehsil-Pati, District- Champawat.
35. Basanti Joshi (Female, A/a 40 Years) W/o Sri. Shankar Dutt Joshi, presently serving as Assistant Teacher (Primary), Government Primary School, Taliabaanz, Tehsil-Purnagiri, District- Champawat.
36. Kanti Ballabh (Male, A/a 55 Years) S/o Sri. Bhawani Dutt, presently serving as Assistant Teacher (Primary), Government Primary School, Kaknai, Tehsil-Purnagiri, District- Champawat.
37. Pratap Singh (Male, A/a 47 Years) S/o Sri. Laxman Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Kathaul, Tehsil-Purnagiri, District- Champawat.
38. Harish Chandra Rai (Male, A/a 45 Years) S/o Sri. Ramdutt, presently serving as Assistant Teacher (Primary), Government Primary School, Padasosera, Tehsil- Barakot, District- Champawat.
39. Govindi (Female, A/a 40 Years) W/o Sri. Manoj Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Paanchpeepal, Tehsil-Barakot, District- Champawat.
40. Nirmala Bohra (Female, A/a 44 Years) W/o Sri. Suresh Singh Bohra, presently serving as Assistant Teacher (Primary), Government Primary School, Duwadkamlekh, Tehsil-Pati, District- Champawat.
41. Diwan Singh (Male, A/a 45 Years) S/o Sri. Ram Singh, presently serving as Assistant Teacher (Primary), Government Primary School, Bairakh, Tehsil-Pati, District- Champawat.

42. Narayan Dutt Bhatt (Male, A/a 40 Years) S/o Sri. Ram Dutt Bhatt, presently serving as Assistant Teacher (Primary), Government Primary School, Nayal, District- Champawat.
43. Munni Devi (Female, A/a 51 Years) W/o Sri. Nirmal Kumar, presently serving as Assistant Teacher (Primary), Government Primary School, Kalauni, Barakot, District- Champawat.
44. Shanti Joshi (Female, A/a 45 Years) W/o Sri. Satish Chandra Joshi, presently serving as Assistant Teacher (Primary), Government Primary School, Ghurcham, District- Champawat.

.....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. District Education Officer (Elementary Education), Champawat.
5. Deputy Education Officer, Champawat, District- Champawat.
6. Deputy Education Officer, Lohaghat, District- Champawat.
7. Deputy Education Officer, Pati, District- Champawat.
8. Deputy Education Officer, Barakot, District- Champawat.

.....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.

l ii) 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 7th Pay Commission. Their representation dated 20.04.2023, 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 20.04.2023 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 20.04.2023 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