

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

CLAIM PETITION NO. 21/SB/2024

Sri Rajendra Singh Rawat (Retd. ASI), aged about 60 years, s/o Late Sri Shyam Singh Rawat, r/o House No. 33/11, Bhagirathi Enclave, Missarwala Kalan, Doiwala, District- Dehradun.

.....Petitioner

vs.

1. State of Uttarakhand through Secretary, Finance, Secretariat, Dehradun.
2. Finance Controller, Police Head Quarter Uttarakhand, Dehradun, Uttarakhand.
3. Inspector General of Police (Personnel), Uttarakhand, Police Head Quarter Dehradun.
4. Senior Superintendent of Police, District Dehradun.

.....Respondents

Present: Sri Ram Prasad (online), Sri Prateek Kannoja, & Sri Tushar Arora, Advocates, for the petitioner.
Sri V.P. Devrani, A.P.O. for the State Respondents.

JUDGMENT

DATED: APRIL 03, 2024

Justice U.C.Dhyani (Oral)

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

“i) Issue an order or direction to quash the impugned order dated 14.04.2016 and 29.02.2024 passed by the respondents (Annexures: 3 and 9 to the claim petition).

ii) Issue an order or direction, in the nature of justice and commanding/directing the respondents to revise the pay of the petitioner in the pay scale of Rs. 14430/- (10230+4200), from 12-05-2007 and also revise the pension of the petitioner and also pay the amount, which was recovered by the respondents from the petitioner, along with 18% interest and further direct to pay the difference of salary and pension along with all applicable benefits.

iii) Issue a writ, order or direction in the nature of mandamus commanding/directing the respondents to give the arrear of the pay and recovered amount to the petitioner along with 18% interest from its recovery till the payment of the aforesaid arrear.

iv) Issue any other relief, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case be passed in favour of the petitioner.

v) Cost of the petition be awarded in favour of the petitioner.”

2. This is second round of litigation between the parties. First petition, being Claim Petition No. 181/SB/2023, Rajendra Singh Rawat vs. State of Uttarakhand and others was disposed of by the Tribunal *vide* order dated 30.10.2023, as follows:

“By means of present claim petition, the petitioner has challenged pay fixation order dated 14.04.2016, which, according to him, is incorrect fixation, which requires to be corrected in the light of judgement dated 27.09.2018 rendered by Hon'ble High Court of Uttarakhand in WPSS No. 2876 of 2017, Raj Singh Negi vs. State of Uttarakhand and others, and connected writ petitions. Learned Counsel for the petitioner submitted that the subject matter of the present claim petition is covered by the decision rendered by the Hon'ble High Court on 13.08.2021 in WPSS No. 609 of 2020, Ramchandra Tomar vs. State of Uttarakhand and others, and connected writ petitions.

2. It is the submission of learned Counsel for the petitioner that the judgement dated 13.08.2021 has been complied with by the respondent department *vide* order dated 27.12.2021. A copy of such order has been filed with the claim petition.

3. Learned Counsel for the petitioner made an innocuous prayer that a direction be given to the respondent department to decide the representation of the petitioner in the light of aforesaid decisions of the Hon'ble High Court, which have been complied with by the respondent department and have thus attained finality. Learned Counsel for the petitioner further submitted that such a direction may be given by Single Bench of the Tribunal in view of the Schedule appended to the U.P. Public Services (Tribunal) Act, 1976 (as applicable to the State of Uttarakhand).

4. Learned A.P.O. has no objection, if a direction is given to respondent department to decide the representation of the petitioner, in accordance with law.

5. The Claim Petition is disposed of, at the admission stage, with the consent of learned Counsel for the parties, by directing respondent department to decide the representation of the petitioner by a reasoned and speaking order, in the light of above-noted decisions of the Hon'ble

High Court of Uttarakhand, without unreasonable delay, preferably within 12 weeks of presentation of certified copy of this order along with representation enclosing the documents in support thereof. No order as to costs.”

3. Pursuant to the above noted decision, representation of the petitioner was decided by Inspector General of Police (Personnel), Respondent No.3, *vide* office order dated 24.02.2024, which is under challenge in present claim petition.

4. Whereas Ld. A.P.O. has made an endeavour to justify departmental action whereby representation of the petitioner was rejected, Ld. Counsel for the petitioner submitted that the representation has not been decided in the light of WPSS No. 2876/2017, Rai Singh vs. State of Uttarakhand and others and connected writ petitions, & WPSS No. 609/ 2020, Ramchandra Tomar vs. State of Uttarakhand and others and connected writ petitions, which were decided by the Hon’ble High Court of Uttarakhand *vide* judgments and orders dated 27.09.2018 and 13.08.2021, respectively.

5. Ld. Counsel for the petitioner submitted that Respondent No. 3 has not taken decision as per law, therefore, petitioner may be given liberty to move representation to Principal Secretary/ Secretary, Home, Govt. of Uttarakhand, who should be directed to decide such representation, as per law and in the light of decisions rendered by Hon’ble High Court of Uttarakhand in WPSS No. 2876/2017, Rai Singh vs. State of Uttarakhand and others and connected writ petitions, & WPSS No. 609/ 2020, Ram Chandra Tomar vs. State of Uttarakhand and others and connected writ petitions, after affording opportunity of personal hearing to the petitioner. Ld. A.P.O. has no objection to such innocuous prayer.

6. Ld. counsel for the petitioner submitted that such direction may be given by Single Bench of the Tribunal. Ld. A.P.O. agrees with such legal proposition

7. The claim petition is disposed of, at the admission stage, with the consent of Ld. counsel for the parties, by requesting Principal Secretary/ Secretary, Home, Govt. of Uttarakhand to decide the representation of the petitioner, as per law, and in the light of decisions rendered by Hon’ble High Court of Uttarakhand in WPSS No. 2876/2017, Rai Singh vs. State of

Uttarakhand and others and connected writ petitions, & WPSS No. 609/2020, Ram Chandra Tomar vs. State of Uttarakhand and others and connected writ petitions, preferably within a period of 12 weeks of presentation of certified copy of this order along with representation enclosing the documents in support thereof. No order as to costs.

9. Rival contentions are left open.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: APRIL 03, 2024.
DEHRADUN

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