

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

CLAIM PETITION NO. 30/SB/2024

Rashmi Rani, aged about 39 years, d/o Late Sri H.B. Upreti, presently working and posted as Data Entry Operator (Agriculture Statistics), Revenue Board, Uttarakhand, Ring Road, Mussoorie bypass Road, Ladpur, Dehradun.

.....Petitioner

vs.

1. The State of Uttarakhand through the Secretary, Agriculture, Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun
2. Director General, Department of Agriculture and Horticulture, Directorate Agriculture, Uttarakhand, Prem Nagar, Dehradun.
3. Director, Agriculture Directorate, Uttarakhand, Prem Nagar, Dehradun.
4. Joint Director (Agriculture Statistics), Uttarakhand, Prem Nagar, Dehradun.

.....Respondents

Present: Sri L.K.Maithani, Advocate, for the petitioner.
Sri V.P. Devrani, A.P.O. for the Respondents.

JUDGMENT

DATED: APRIL 22, 2024

Justice U.C.Dhyani (Oral)

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

“a) To declare that at the time of the appointment of the petitioner, the pay scale of the post of Data Entry Operator in the Statistics Sections of State Services was Rs.9300-34800 grade pay Rs.4200/-, therefore petitioner is legally entitled to get the same since the date of her appointment/ joining on the post.

b) To issue an order or direction to the concerned respondents to modify and amend the pay scale of the petitioner and grant the benefit of pay scale Rs.9300-34800 grade pay Rs.4200/- to the petitioner since the date of her appointment on the post of Data Entry Operator (Agriculture Statistics) and accordingly revise the pay and other service benefits of the petitioner.

c) To issue any other suitable order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

v) To award the cost of the petition to the petitioner.”

2. Ld. Counsel for the petitioner submitted that in the department of Animal Husbandry in the Statistics Cadre, the post of Data Entry Operator was already created in the pay scale of Rs.9300-34800 grade pay Rs.4200/- in the year 2009. This fact clearly shows that prior to appointment of the petitioner in the Statistics Cadre of the State Services, the pay scale of the post of Data Entry Operator was already revised to the pay scale of Rs.9300-34800 grade pay Rs.4200/-. Thus recruitment and appointment of the petitioner in the lower pay scale Rs.5200-20200 grade pay Rs.2800/- was not just, proper, legal and it should be modified and amended in the upgraded pay scale Rs.9300-34800 grade pay Rs.4200/- since the date of her appointment.

3. In reply, Ld. A.P.O. submitted that the petitioner was appointed in the pay scale of Rs.5200-20200 grade pay Rs.2800/- on 14.12.2012, as per the advertisement published for the said post. He also submitted that pay scale of Data Entry Operator was upgraded to pay matrix Level-6 in the *Uttarakhand Adhinasth Krishi Sewa Niymawali, 2023*, which was notified on 20.03.2023. The said Niymawali, according to Ld. A.P.O. is prospective in nature as per Rule 1(2) of the Rules. It cannot be applied to the date of petitioner's appointment *i.e.* 14.12.2012. The petitioner is drawing the grade pay of Rs.4200/- on completion of 10 years of satisfactory service as 1st MACP.

4. It is a policy matter. The decision could not, possibly, be taken at the level of Directorate. It will be in the fitness of things, if the decision in the matter is taken by the Government in Agriculture Department.

5. Ld. Counsel for the petitioner submitted that the matter may be referred to Respondent No.1 for considering the prayer of the petitioner, as per law. Ld. A.P.O. is not averse to such proposal of Ld. Counsel for the petitioner

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 Respondent No.1 to take a decision on the prayer of the petitioner, as per law, within 16 weeks of presentation of certified copy of this order along with documents in support of her prayer. No order as to costs.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: APRIL 22, 2024.
DEHRADUN

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