

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

CLAIM PETITION NO. 12/SB/2024

Dr. Viraj Shah, aged about 66 years, s/o late Sri P.L. Shah, r/o 201,
Engineers Enclave, Dehradun, 248001.

.....Petitioner

versus

1. State of Uttarakhand through Secretary, Medical Health and Family Welfare, Secretariat, Subhash Road, Dehradun.
2. Director General, Medical Health and Family Welfare, Vill. Dandalakhond, Post Office Gujrada, Sahastradhara Road, Dehradun.
3. Chief Medical Officer, 105, Chander Nagar, Dehradun.
4. Medical Superintendent, Community Health Centre, Sahaspur, Dehradun.

..... Respondents

Present: Sri Rajesh Kumar Thapa, Advocate, for the Petitioner
Sri V.P. Devrani, A.P.O., for the Respondents

JUDGEMENT

Dated: 28th March, 2024

Justice U.C. Dhyani (Oral)

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

“(i) That Hon'ble Public Service Tribunal may be pleased to order to respondent no. 1 to 4 to pay Petitioner/Applicant unpaid salary for the month of March, 2020 to July, 2020 and incentive as declared by the Hon'ble Chief Minister of Uttarakhand for performing Covid-19 duty to Doctors to Petitioner.

(ii) That Hon'ble Public Services Tribunal may be pleased to order to respondent no. 1 to 4 to pay Petitioner/Applicant salary calculated as per Government Order dated 13th December, 2018.

(iii) That Hon'ble Public Services Tribunal may be pleased to order to respondent no. 1 to 4 to pay to Petitioner/Applicant amount deducted on account of HRA from petitioner salary amounting to Rs. 61,944/-.

(iv) That Hon'ble Public Services Tribunal may be pleased to order to respondent no. 1 to 4 to pay to the Petitioner interest @ 6% on amount mentioned in prayer no. 2, 3 and 4.

(v) That Hon'ble Public Services Tribunal may be pleased to order to respondent no. 1 to 4 to pay to the Petitioner full salary after calculation as per order dated 13.12.2018 of Medical Section 2 of Secretary Government of Uttarakhand (Annexure no. is attached) as follows last drawing salary i.e. Rs. 1,92,215/- (Annexure no. is attached) Less gross pension Rs. 86,765/- (Annexure no. is attached) from the date of first reappointment (Pratiniyukti till today).

(vi) That Hon'ble Public Services Tribunal may be pleased to order to respondent no. 1 to 4 to pay to Petitioner compensation for harassment amounting to Rs. 10,00,000/- (Ten Lac Rupees Only).

(vii) That Hon'ble Public Services Tribunal may be pleased to order to respondent no. 1 to 4 to pay to Petitioner all cost of this petition along with all three previous petitions.”

2. The claim petition was admitted on 09.02.2024. Notices were issued to the respondents for filing their C.A./ W.S. Sri V.P. Devrani, learned A.P.O., has filed W.S. on behalf of the respondents. C.A. has been filed by Dr. Mohan Singh Dogra, Medical Superintendent, Community Health Centre, Sahaspur.

3. Relevant documents, in support of the C.A., have been brought on record as CA: R1 to CA:R3.

4. Learned A.P.O. submitted that the admissible claims of the petitioner have been given.

5. The reliefs claimed by the petitioner have been mentioned in the inaugural paragraph of the judgement. Reliefs have also been reproduced in the C.A. filed on behalf of the respondents. Brief facts and para-wise replies have been mentioned in the C.A. thus filed. The Tribunal need not reproduce those, for the same are part of record.

6. Learned A.P.O. submitted that all the admissible dues have been released to the petitioner; nothing remains unpaid, so the claim petition may be closed for full satisfaction.

7. In reply, learned Counsel for the petitioner submitted that all the admissible dues have not been paid to the petitioner, therefore, liberty may be granted to the petitioner to stake his claim for those dues, which remain unpaid by making a representation to respondent no. 2.

8. In reply, learned A.P.O. submitted that although all the admissible dues have been paid to the petitioner, but even then if the petitioner finds that there is mistake in the way the respondent department has calculated his dues, the petitioner may be given liberty to make a representation to respondent no. 2, who, in turn, may be directed to look into his grievances, as per law.

9. The claim petition is closed with the consent of learned Counsel for the parties, leaving it open to the petitioner to make a representation to respondent no. 2 for redressal of his grievances, if any. If the petitioner finds that there is some mistake in calculation of his admissible dues, he may make a representation to respondent no. 2. In other words, if the petitioner finds that there are some dues, which are admissible to him and have not been paid to him or there is some arithmetical mistake in the calculation of his dues, which have been denied to him, he may make a representation to respondent no. 2, who, in turn, is directed to decide such representation without any unnecessary delay, in accordance with law. No order as to costs.

(JUSTICE U.C. DHYANI)
CHAIRMAN

DATE: 28th March, 2024
DEHRADUN
RS