

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

CLAIM PETITION NO. 68/SB/2024

1. Kishan Singh Negi, aged about 63 years, s/o Late Sri Dalip Singh Negi, r/o Laxminarain Mohalla, District Pauri Garhwal.
2. Jagdish Prasad Gairola, aged about 63 years, s/o Sri Bishambhar Dutt Gairola C/o C.M. Gairola, Devprayag Road, Circuit House, District Pauri Garhwal

.....Petitioners

vs.

1. State of Uttarakhand through Secretary, Secretariat, Transport, Govt. of Uttarakhand, Dehradun.
2. Transport Commissioner, Uttarakhand, Shashan, Sahastradhara Road, Dehradun.
3. Additional Transport Commissioner Uttarakhand, Dehradun.
4. Finance Controller, office of Transport Commissioner Uttarakhand, Dehradun.

.....Respondents

Present: Sri Manendra Singh, Advocate, for the petitioner.
Sri V.P. Devrani, A.P.O. for State Respondent.

JUDGMENT

DATED: JULY 30, 2024

Justice U.C.Dhyani (Oral)

By means of present claim petition, petitioners seek the following reliefs:

"I. Issue a writ, order or direction quashing the impugned order dated 20.8.2022 (Annexure-5) issued by respondent no.2 and impugned orders/letters dated 5.9.2022 (Annexure-1) issued by respondent no.5.

II. Issue a writ, order or direction directing the respondents to count the entire services rendered by applicants on ad hoc basis since 18.6.1983 and 5.5.1983 respectively to the date of their regularization i.e. 14.6.2001 and accordingly the pension and other post retirement of the applicants be refixed and they may be paid entire arrears of the revised pension and service/post retirement benefits.

III. Issue an order or direction, which this Hon'ble court may deem fit and proper on the basis of the facts and circumstances of the case."

[Emphasis supplied]

2. The claim petition is supported by the affidavit of the petitioners. Relevant documents have been filed along with the claim petition.

3. Petitioners approached the Hon'ble High Court by filing writ petition being WPSB No. 677/2022. Hon'ble High Court was pleased to dismiss the writ petition *vide* order dated 22.02.2023, with liberty to the petitioners to approach the Public Services Tribunal. Hence, present claim petition.

4. Petitioners, through present claim petition pray that their *ad hoc* services may be counted for the purpose of pensionary benefits. In Para 4.4 of the claim petition it has been indicated that the petitioners moved representations to the respondent department for counting their *ad hoc* services from the date of their initial appointment in the year 1983 till the date of their regularization. They pray for refixation of their

pension. Copies of representations have been brought on record as Annexure: 3 and Annexure: 4 to the claim petition.

5. It is the submission of Ld. Counsel for the petitioners that petitioners will again make representation to Respondent No.2, who should be directed to decide such representation in a time bound manner, as per law. Ld. A.P.O. has no objection to such innocuous prayer of Ld. Counsel for the petitioners.

6. Ld. Counsel for the parties submitted that such an order may be passed by Single Bench of the Tribunal.

7. The claim petition is disposed of, at the admission stage, with the consent of Ld. counsel for the parties, by directing Respondent No.2, to decide the representation of the petitioners, by reasoned and speaking orders, as per law, as expeditiously as possible, without unreasonable delay, on presentation of certified copy of this order along with representation, enclosing the documents in support thereof. No order as to costs.

8. Rival contentions are left open.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JULY 30, 2024.
DEHRADUN

VM