

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

CLAIM PETITION NO. 67/SB/2024

Smt. Shanti Pathak, aged about 60 years, w/o Late Sri Manoj Kumar Pathak,
r/o Upper Kalabad, Kotdwar, District Pauri Garhwal.

.....Petitioner

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, petitioner seeks the following reliefs:

“I. Issue an 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 an 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 her husband Late Sri Manoj Kumar's regularization i.e. 14.6.2001 and accordingly the pension and other post retirement of the applicant's husband Late Sri Manoj Kumar be refixed and they may be paid entire arrears of the revised pension and service/post retirement benefits be paid to the applicant.

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 petitioner. Relevant documents have been filed along with the claim petition.

3. Petitioner approached the Hon'ble High Court through writ petition being WPSB No. 504/2023. Hon'ble High Court was pleased to dismiss the writ petition vide order dated 15.12.2023, with liberty to the petitioner to approach the Public Services Tribunal. Hence, present claim petition.

4. Petitioner is wife of Late Sri Manoj Kumar Pathak, who worked in the respondent department. She prays for counting the entire services rendered by her late husband on ad hoc basis from 18.06.1983 to 14.06.2001, which is the date of his regularization. She also prays that the pension and other post retiral benefits of her late husband be refixed and arrears of his revised pension be paid to her.

5. In para 6 of the claim petition, it has been mentioned that the petitioner made representation to the respondent department, but her representation has not been decided till date. It is the submission of Ld. Counsel for the petitioner that petitioner will again make a 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 petitioner.

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 petitioner, by a reasoned and speaking order, 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