

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL  
BENCH AT NAINITAL**

**Writ Petition No. 76 (S/B) of 2016**

**[Reclassified and Renumbered as Claim Petition No. 117/NB/SB/2022]**

Jamuna Prasad, s/o Sri Kesari Singh, aged about 49 years, presently attached in the office of District Social Welfare Officer, Udham Singh Nagar at Rudrapur.

.....Petitioner

versus

1. State of Uttarakhand through Secretary, Social Welfare Department, Dehradun.
2. Principal Secretary in the Department of Social Welfare, Dehradun.
3. Director in the Department of Social Welfare, Dehradun.

..... Respondents

Present: Sri Harshvardhan Singh Negi, Advocate, for the Petitioner  
Sri Kishore Kumar, A.P.O., for the Respondents

**JUDGEMENT**

**Dated: 02<sup>nd</sup> August, 2024**

**Justice U.C. Dhyani (Oral)**

Hon'ble High Court of Uttarakhand has been pleased to pass an order on 26.09.2022 in WPSB No. 76 of 2016, Jamuna Prasad vs. State of Uttarakhand and others, which (order) reads as under:

"Mr. Pradeep Joshi, learned Addl. C.S.C. for the State.

The petitioner has preferred the present writ-petition for the following reliefs:-

“i. To issue a writ, order or direction in the nature of mandamus, commanding the respondents to pay the arrears of the salary to the petitioner in the pay scale of Rs. 7500-250-12000 with effects from 01-07-2001 (calculating with effects from 01-07-2001).

ii. To issue a writ, order or direction in the nature of mandamus commanding the respondents not to make any recovery from the petitioner with regard to the difference of enhanced salary which has been paid to the petitioner with effects from 01-12-2005 in the pay scale of Rs. 7500-250-12000.

iii. Any other relief which this Hon'ble Court may deem fit and proper, may kindly be awarded in favour of the petitioner and against the respondents.”

The petitioner is a public servant. The Uttarakhand Public Service Tribunal has the jurisdiction to deal with the issue raised in this writ-petition.

Considering the fact that the petition is pending since 2016, we direct the Registry to transfer the complete records of the case to the Tribunal, which shall be registered as a claim petition and be dealt with by the Tribunal, in accordance with law.

We request the Tribunal to endeavor to dispose of the petition at an early date, considering that the writ-petition is pending since 2016.

This petition stands disposed of.”

2. The original record of the writ petition has been transferred to this Tribunal *vide* letter no. 14780 /UHC/ Service (S/B)/ 2022 dated 17.10.2022 of the Deputy Registrar (Judicial) of the Hon'ble High Court. The same has been registered as claim petition no. 117/NB/SB/2022.

3. Petitioner is seeking a direction for commanding the respondents to pay the arrears of the salary to the petitioner in the pay scale of Rs. 7500-250-12000 *w.e.f.* 01.07.2001. Petitioner also seeks direction from the respondents not to make any recovery from the petitioner with regard to the difference of enhanced salary which has been paid to the petitioner *w.e.f.* 01.12.2005 in the pay scale of 750-250-12000.

4. It is the submission of Sri Harshvardhan Singh Negi, learned Counsel for the petitioner, that in a similar case, one Sri Inam Ali, who was posted as Principal in the similar type of college at Gadarpur, U.S. Nagar, had filed a writ petition being WPSB No. 66/2008, which writ petition was allowed by the Hon'ble High Court. The respondents of that writ petition were directed to give the arrears of pay scale to the petitioner from the same date as is being given to his counterparts in education department in the State of Uttarakhand *w.e.f.* 01.07.2001. Learned Counsel for the petitioner submitted that desired benefits were given to the petitioner of WPSB No. 66/2008 by the respondent department.

5. Learned Counsel for the petitioner further submitted that even after the order passed by Hon'ble High Court in the above-noted writ petition, the respondents have not taken any steps for the payment of the arrears of the salary to be calculated in the pay scale of 7500-250-12000 to the petitioner of present petition.

6. Petitioner has filed affidavit in support of his petition. Relevant documents have been filed with the petition.

7. The petition has been contested on behalf of the respondents. Sri Vishnu Singh Dhanik, the then Director, Social Welfare, Uttarakhand, Haldwani, district Nainital has filed counter affidavit on behalf of respondent no. 3 along with relevant documents.

7.1 In para 4 of such C.A., it has been stated that the petitioner is Principal of Government Ashram Type School run by the Directorate of Tribal Welfare, therefore, the petition relates to Directorate of Tribal Welfare. The Govt. *vide* G.O. No. 437 dated 08.03.2006 has constituted a separate Directorate of Tribal Welfare.

7.2 In para 7 of the C.A., it has been stated that District Social Welfare Officer is higher post than the Principal (High School Level).

8. It is the submission of learned Counsel for the petitioner that no response has been forthcoming from Directorate of Tribal Welfare, which is under the Principal Secretary/ Secretary, Social Welfare, Govt. of Uttarakhand, therefore, a direction be given to the Govt. in Social Welfare Department to consider the grievance of the petitioner, as per law. Learned Counsel for the petitioner further submitted that the petitioner will make a representation highlighting his grievances to the Secretary, Social Welfare, Govt. of Uttarakhand, who should be directed to decide his representation and consider his grievance in a time bound manner, as per law.

9. Innocuous prayer of learned Counsel for the petitioner is worth accepting.

10. Learned Counsel for the parties submitted that such a direction may be given by Single Bench of the Tribunal.

11. The petition is disposed of by directing respondent no. 1 to decide the representation of the petitioner and consider his case by a reasoned and speaking order after giving him opportunity of personal hearing, in accordance with law, 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.

12. Rival contentions are left open.

**(JUSTICE U.C. DHYANI)**  
CHAIRMAN

*DATE: 02<sup>nd</sup> August, 2024*  
*DEHRADUN*  
*RS*