

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

CLAIM PETITION NO. 68/SB/2024

Binder Kumar, s/o Sri Rajpal Singh, Chief Assistant, Uttarakhand Jal Sansthan, r/o Village- Miragpur, Tehsil Deoband, Saharanpur. Attached with Uttarakhand Jal Sansthan, New Tehri (Under Suspension)

.....Petitioner

vs.

1. The Secretary (Peyjal) Government of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. The General Manager (HQR), Uttarakhand Jal Sansthan, Jal Bhawan, B Block, Nehru Colony, Dehradun.
3. The Superintending Engineer, 58 Rishikesh Road, Bhoopatwala, Haridwar, Uttarakhand..
4. The Executive Engineer, X3F9+CH4, Rural Engineering Service Department, Haridwar Division, Haridwar.
5. The Executive Engineer, Uttarakhand Jal Sansthan, New Tehri.

.....Respondents

Present: Sri Uttam Singh, Advocate, for the petitioner.
Sri V.P. Devrani, A.P.O. for State Respondent No.1.
Sri Deepak Singh, Advocate for Respondents No. 2 to 5. (online)

JUDGMENT

DATED: AUGUST 23, 2024

Justice U.C.Dhyani (Oral)

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

"I)To direct the respondent to decide the representation dated 19- 01- 2024 and 30.04.2024 regarding revision of subsistence allowance as per FR-53 of the Financial Hand Book Part-II. (Annexure No A-1 Colly).

II) Direct the respondent to pay the unpaid subsistence allowance.

III)To pass any other suitable order, which the Hon'ble Tribunal may deem fit and proper on the basis of facts and circumstances of the case.

IV)Award the cost of the petition to the petitioner."

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

3. Petitioner is seeking revision of suspension allowance in view of Rule 53 , Financial Hand Book, Volume-II Part 2 to 4. He moved representation on 19.01.2024 (received on the same day in the office of Executive Engineer), followed by reminder dated 30.04.2024 (received on the same day), but according to Ld. Counsel for the petitioner, there is no response from the respondent department so far. The only prayer of Ld. Counsel for the petitioner is that the representation of the petitioner may kindly be directed to be decided by the General Manager(HQR), Uttarakhand Jal Sansthan, Respondent No. 2.

4. Sri Deepak Singh, Advocate, representing Respondents No. 2 to 5, is taken online and is heard virtually, as only a question of law arises for consideration.

5. Ld. Counsel for the petitioner submitted that Rule 53 , Financial Hand Book, Volume-II Part 2 to 4 governs the field. Sri Deepak Singh, Ld. Counsel for Respondents No. 2 to 5, submitted that the representation of the petitioner shall be decided by the appropriate authority, as per law, if the Court directs such authority to do so.

6. 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 reasoned and speaking order, as per law, as expeditiously as possible, without

unreasonable delay, on presentation of certified copy of this order along with a copy of representation, enclosing the documents in support thereof. No order as to costs.

7. Rival contentions are left open.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: AUGUST 23, 2024.
DEHRADUN

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