

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

CLAIM PETITION NO. 79/SB/2024

Keshar Singh Rawat, aged about 61 years, Ex Senior Draughtsman, s/o Late Sri Balwant Singh Rawat, r/o Garhlok Colony, Near Glacier Public School, Uppar Tunwala, Dehradun.

.....Petitioner

vs.

1. The Secretary, Industrial Development (Mining) Government of Uttarakhand, Dehradun.
2. The Director General, Geology & Mining, Bhopalpani, Rajpur, Dehradun.
3. The Director, Geology & Mining, Bhopalpani, Rajpur, Thano Road, Uttarakhand.
4. The Chief Treasury Officer, at Collectorate, Dehradun.

.....Respondents

Present: Petitioner along with Sri Uttam Singh, Advocate,
for the petitioner.
Sri V.P. Devrani, A.P.O. for State Respondent No.1.

JUDGMENT

DATED: AUGUST 29, 2024

Justice U.C.Dhyani (Oral)

In this petition, the petitioner has highlighted anomaly in fixation of his salary. According to him, he was given Rs.100/- less while fixing his pay on 31.12.2005, as a result of which, when he retired, he was getting Rs.2500/- less than his actual entitlement.

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

3. Ld. Counsel for the petitioner submitted that petitioner represented to the respondent department, who rejected the representation, *inter alia*, on the ground that *Pension Patta* has become final. In the impugned order, respondent department has mentioned that there is no occasion for revisiting petitioner's pay-fixation.

4. Whereas Sri Uttam Singh, Ld. Counsel for the petitioner submitted that respondent department did not look into the matter because the petitioner was retired, Sri V.P.Devrani, Ld. A.P.O. submitted that before retirement of the petitioner, the papers were sent to the Finance Controller of the department, who did not find any discrepancy in pay-fixation of the petitioner and, accordingly, *Pension Patta* was issued. Ld. A.P.O. further submitted that a letter was sent to the petitioner to raise objection, if he was not satisfied with the pay fixation verification order of the Finance Controller, but the petitioner did not raise his voice against the same.

5. Be that as it may, the fact of the matter is that the petitioner is entitled to raise his voice against pay-fixation, at any time, if he feels that his pay has not been properly fixed. Merely because *Pension Patta* has been issued and the petitioner has retired, the same cannot be a ground for not examining the mater afresh.

6. The petitioner, who is present in person along with his Counsel Sri Uttam Singh, Advocate, submitted that he is willing to make fresh representation to the Director, Geology & Mining, Uttarakhand, Dehradun, Respondent No.3, who may kindly be directed to decide his representation as quickly as possible, in accordance with law. Ld. A.P.O. has no objection to such innocuous prayer of the petitioner.

7. The claim petition is disposed of, at the admission stage, with the consent of Ld. counsel for the parties, by directing Respondent No.3, 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 fresh representation enclosing the documents in support thereof. No order as to costs.

8. Rival contentions are left open.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: AUGUST 29, 2024.
DEHRADUN

VM