

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

CLAIM PETITION NO. 113/SB/2024

Smt. N.R. Dilawar, w/o Late Sri R.B.Dilawar, r/o 198/1 Dobhalwala,
Dehradun.

.....Petitioner

vs.

1. State of Uttarakhand through Secretary, Education, Govt. of Uttarakhand, Subhash Road, Secretariat, Uttarakhand, Dehradun.
2. Director, Secondary Education, Directorate of Education, Nanoorkheda, Dehradun, Uttarakhand.
3. Chief Education Officer, Mayur Vihar, Dehradun, Uttarakhand.

.....Respondents

Present: Sri Abhishek Chamoli, Advocate, for the petitioner.
Sri V.P. Devrani, A.P.O. for State Respondents.

JUDGMENT

DATED: SEPTEMBER 26, 2024

Justice U.C.Dhyani (Oral)

By means of present claim petition, petitioner seeks the following reliefs:

"1. To Direct the Respondents to grant the Petitioner the benefit of the selection pay scale in the L.T. Grade with effect from 01- 01-1986, keeping in view facts highlighted in the body of the petition and after calling entire record from the Respondents.

II. To direct the Respondents to grant the Petitioner the benefit of the Promotional pay scale in the L.T. Grade with effect from 01-08-1998 along with the other consequential benefits.

III. Issue any other direction or order as this Hon'ble Tribunal may deem fit and proper under the circumstances of the case.

IV. Award costs 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. Ld. Counsel for the petitioner submitted that the petitioner is entitled to the benefit of the selection pay scale in the L.T. Grade *w.e.f.* 01-01-1986 and benefit of the promotional pay scale in L.T. Grade *w.e.f.* 01.08.1998, along with consequential benefits, in view of Letters dated 16.01.2002, 30.01.1999 and 09.01.1992 (Annexure: A-1 *colly*), Notification dated 18.12.1997 (Annexure: A-2), decisions rendered by Hon'ble Courts - in WPSS No. 1864/2007, Thakur Singh Rawat and others vs. State of Uttarakhand and others on 15.12.2010; in WPSS No. 3576/ 2017, Mithilesh Kumar Kandpal vs. State of Uttarakhand and others on 16.08.2022; in WPSS No. 1950/ 2018, Jamuna Prashad vs. State of Uttarakhand and others and connected writ petitions on 12.10.2020; in Writ Petition No. 932 (M/B) of 2005, *Uttaranchal Madhymik Shikshak Sangh* through its President vs. State of Uttaranchal and others on 01.12.2006; in Review Application No. 238/2007 *Uttaranchal Madhymik Shikshak Sangh* through its President vs. State of Uttaranchal and others on 08.03.2007; and in petitions for Special Leave to Appeal (Civil) No. 1120-1121/2011, State of Uttaranchal and others vs. *Uttaranchal Madhymik Shikshak Sangh & others* on 14.02.2011 (Copies: Annexure-4 *colly*) and G.O. No. 543/XXIV-2/2006 dated 21.11.2006; G.O. No. 793/XXIV-3/2005 dated 03.06.2005, G.O. No. 6714/15-8-89/3002/89 dated 16.02.1990, (Copies: Annexure: A-5 *colly*).

4. It is the submission of Ld. Counsel for the petitioner that the petitioner has made several representations to the respondents, but none of such representations has been responded to so far. Similarly situated

persons have been granted the relief, which the petitioner seeks through present claim petition.

5. Ld. counsel for the petitioner also submitted that the petitioner will again make a representation to Respondents No. 2 & 3, who should be directed to decide the representation of the petitioner in the light of documents filed by her along with present claim petition. Ld. A.P.O. has no objection if a direction is given to the respondents to decide the representation of the petitioner, in accordance with law.

6. The claim petition is disposed of, at the admission stage, with the consent of Ld. counsel for the parties, by directing Respondents No. 2 & 3, to decide the representation of the petitioner in the light of the documents filed by the petitioner along with present claim petition, 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.

7. Rival contentions are left open.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: SEPTEMBER 26, 2024.
DEHRADUN

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