

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

Present: Hon'ble Mr. Rajendra Singh  
.....Vice Chairman (J)

Hon'ble Mr. A.S.Rawat  
.....Vice Chairman (A)

**CLAIM PETITION NO. 155/NB/DB/2023**

1. Vichitra Narayan Kandpal, aged about 63 years s/o Sri Anand Ballabh Kandapl, r/o Gayatri Nagar Phase-2, Gas Godam Road, Kusumkhera Haldwani, District Nainital.
2. Ramesh Chandra Bhandari, aged about 72 years s/o Late Sri D.S. Bhandari, r/o Village and Post Office Nathuwala Raipur, District Dehradun.
3. Uma Dutt Thapliyal, aged about 74 years, s/o Late Sri Baliram Thapliyal, r/o Narayan Colony Kandal Opposite Green Land Public School, Rishikesh Road Bhaniyawala, Dehradun.

.....**Petitioners**

VS.

1. State of Uttarakhand through its Secretary, Medical Health and Family Welfare, Govt. of Uttarakhand, Dehradun.
2. Director General, Medical Health and Family Welfare, Govt. of Uttarakhand, Dehradun.

.....**Respondents**

(Virtual)

Present: Sri Harish Adhikari, Advocate for the petitioners  
Sri Kishore Kumar, A.P.O., for the respondents

**JUDGMENT**

**DATED: OCTOBER 04, 2024**

The petitioner has filed this claim petition for the following reliefs:

*“(i) To issue order or direction appropriate in nature and set aside the impugned order dated 11.09.2023 (Contained in*

*Annexure no. 1 to the claim petition) and further direct the respondents to allow the benefit of Grade of Pay of Rs. 5400 w.e.f. date from the same is given to the similarly situated direct recruited persons and further direct the respondents to revise the pension and other retiral dues of the petitioners along with 18% interest, after calling the entire records from the respondents or in alternate pass any appropriate orders keeping in view of the facts highlighted in the body of the petition or mould the relief appropriately.*

*(ii) To issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case."*

3. The petitioners are challenging and assailing the order dated 11.09.2023 passed by the respondent no. 2 by which the respondent no. 2 rejected the representation of the petitioners for grant of grade pay of Rs. 5400/- which was granted to similarly situated health education officers who were from the direct quota, but in the case of the petitioners the respondent no. 2 by adopting dual standard rejected the case of the petitioners and deprived them from their legitimate expectation, the respondent no. 2 while deciding the representation ignored the finding of this Hon'ble Tribunal's order dated 22.02.2023 and passed a whimsical order. Thus, the aforesaid order is arbitrary, illegal and against the government orders thus is liable to be quashed. The petitioners are eligible for the grade pay of Rs. 5400/- as given to the direct recruitees, the respondent no. 2 relied on the government order which was passed in the year of 2012 but the petitioners were entitled for the benefit before 2012 thus the aforesaid government order has prospective effect and not retrospective effect because the petitioners were promoted before 2010 on the post.

4. After hearing learned Counsel for the parties at some length, learned Counsel for the petitioners confined his prayer to the extent that petitioners will move detailed representation individually to Chief Medical Officer along with all relevant documents/evidences for grant of Grade Pay of Rs. 5400/-, which may kindly be directed to

be decided by the Chief Medical Officer, as per law, within a stipulated time, by reasoned and speaking order.

5. Learned A.P.O. has no objection to the innocuous prayer of learned Counsel for the petitioners. It is further submitted that as per the requirement, the Chief Medical Officer may seek necessary directions from the Divisional Director.

6. In view of the above, the petitioners shall move detailed representation individually to Chief Medical Officer along with all relevant documents/evidences for grant of Grade Pay of Rs. 5400/-, within thirty days, which shall be decided by the Chief Medical Officer (if required, the Chief Medical Officer, may seek necessary directions from the Divisional Director), within three months, by a reasoned and speaking order, as per law, from the date of presentation of certified copy of this order along with relevant documents/evidences.

7. Accordingly, the claim petition is disposed of. No order as to costs.

A.S.RAWAT  
VICE CHAIRMAN (A)

RAJENDRA SINGH  
VICE CHAIRMAN (J)

*DATED: OCTOBER 04, 2024*  
*DEHRADUN*  
*KNP*