

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

CLAIM PETITION NO. 152/SB/2023

1. Smt. Shakuntla Devi, aged about 61 years, w/o Late Sri Deepak Lal Bijalwan, r/o Village and Post Chamol Gaon, Tehsil Narendra Nagar, District Tehri Garhwal.
2. Amit Bijalwan, aged about 38 years, s/o Late Sri Deepak Lal Bijalwan, r/o Village and Post Chamol Gaon, Tehsil Narendra Nagar, District Tehri Garhwal.
3. Sumit Bijalwan, aged about 31 years, s/o Late Sri Deepak Lal Bijalwan, r/o Village and Post Chamol Gaon, Tehsil Narendra Nagar, District Tehri Garhwal.
4. Sanjeet Bijalwan, aged about 26 years, s/o Late Sri Deepak Lal Bijalwan, r/o Village and Post Chamol Gaon, Tehsil Narendra Nagar, District Tehri Garhwal

.....Petitioners

vs.

1. The State of Uttarakhand through Secretary, Education, Uttarakhand Govt., Secretariat, Subhash Road, Dehradun.
2. Director, Elementary Education, Uttarakhand, Nanoor Khera, Tapovan Road, Dehradun.
3. Chief Education Officer, Uttarkashi, District Uttarkashi.
4. Smt. Kameshwari Devi, aged about 46 years, Alleged w/o Late Sri Deepak Lal Bijalwan, r/o Lower Nathanpur (Mohakampur), Dehradun.
5. Ujjwal Bijalwan, aged about 20 years, Alleged s/o Late Sri Deepak Lal Bijalwan, r/o Lower Nathanpur (Mohakampur), Dehradun.

.....Respondents

WITH

CLAIM PETITION NO. 154/SB/2023

1. Smt. Kameshwari Devi, w/o Late Sri Deepak Lal Bijalwan, aged about 45 years r/o Vikaslok Colony, Lower Nathanpur (Mohakampur), Dehradun.
2. Ujjwal Bijalwan, s/o Late Sri Deepak Lal Bijalwan, aged about 21 years, r/o Vikaslok Colony, Lower Nathanpur (Mohakampur), Dehradun.

.....Petitioners

vs.

1. The State of Uttarakhand through Secretary, Education, Uttarakhand Govt., Secretariat, Subhash Road, Dehradun.

2. Director, Elementary Education, Uttarakhand, Nanoor Khera, Tapovan Road, Dehradun.
3. Chief Education Officer, Uttarkashi, District Uttarkashi.
4. Smt. Shakuntla Devi, w/o Late Sri Deepak Lal Bijalwan, r/o Chamolgaon, Tehsil Narendra Nagar, District Tehri Garhwal.
5. Amit Bijalwan, s/o Late Sri Deepak Lal Bijalwan, r/o Chamolgaon, Tehsil Narendra Nagar, District Tehri Garhwal.
6. Sumit Bijalwan, s/o Late Sri Deepak Lal Bijalwan, r/o Chamolgaon, Tehsil Narendra Nagar, District Tehri Garhwal.
7. Sanjit Bijalwan, s/o Late Sri Deepak Lal Bijalwan, r/o Chamolgaon, Tehsil Narendra Nagar, District Tehri Garhwal.

.....Respondents

In claim Petition No. 152/SB/2023

Present: Sri L.K.Maithani and Sri S.K.Jain, Advocates, for petitioners.
Sri V.P.Devrani, A.P.O., for Respondents No. 1, 2 & 3.
Sri Uttam Singh, Advocate, for Respondents No. 4 & 5.

In claim Petition No. 154/SB/2023

Present: Sri Uttam Singh, Advocate, for the petitioners
Sri V.P. Devrani, A.P.O., for Respondents No. 1, 2 & 3
Sri L.K. Maithani and Sri S.K. Jain, for Respondents No. 4 to 7

JUDGMENT

DATED: OCTOBER 23, 2024

Justice U.C.Dhyani (Oral)

Above-noted claim petitions were decided together *vide* judgement and order dated 16.01.2024. The parties, subsequently, noted that Director, Secondary Education, Uttarakhand, was not a proper party against whom the directions were given in Tribunal's order dated 16.01.2024. They found that Director, Elementary Education, Uttarakhand, was, in fact, proper party. The petitioners moved amendment application, which was allowed. Order dated 16.01.2024 was kept in abeyance.

2. Director, Secondary Education, Uttarakhand, was substituted by Director, Elementary Education. An affidavit was filed on behalf of newly added respondent. In such affidavit, almost the same facts were mentioned, which were mentioned in the counter affidavit on behalf of Director, Secondary Education.

3. The claim petitions were opposed. Learned A.P.O. submitted, on the basis of the C.A. thus filed on behalf of Director, Elementary Education, that claim petitions lack force and are liable to be dismissed.

4. Nevertheless, learned Counsel for the parties submitted that even if Director, Secondary Education, is substituted by Director, Elementary Education, as party respondent, the fate of both the claim petitions will remain the same.

5. In other words, the text of the decision dated 16.01.2024 would remain the same notwithstanding the fact that Director, Secondary Education, has been replaced by Director, Elementary Education, with same set of facts (assertions) and with similar objections.

6. Learned Counsel for the parties, therefore, submit that the Tribunal should reiterate its earlier decision (dated 16.01.2024) to avoid repetition and for the sake of brevity and convenience, with fresh direction to the newly substituted Director, Elementary Education [in place of Director, Secondary Education, who was party respondent when the Tribunal decided the claim petitions earlier].

7. The claim petitions are, accordingly, disposed of, with the consent of learned Counsel for the parties, with the same terms of settlement and same directions, which were mentioned in Tribunal's earlier order dated 16.01.2024.

(JUSTICE U.C. DHYANI)
CHAIRMAN

DATE: OCTOBER 23, 2024
DEHRADUN

RS