

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

**Modification Application No. 138/NB/SB/2024**

**IN**

**Writ Petition No. 178 (S/B) of 2021**

**[Reclassified and Renumbered as Claim Petition No. 96/NB/SB/2022]**

Sri Madan Mohan Pathak, aged about 61 years, s/o late Sri Chandra Ballabh Pathak, r/o Lohariyasal Malla, Gali No. 8, Narain Vihar, Unchapul, Haldwani, District Nainital.

..... Applicant-Petitioner

versus

1. State of Uttarakhand through Secretary, Department of Home Affairs, Secretariat, Dehradun.
2. Commandant General, Home Guards, Director Home Guards and Civil Defence, Uttarakhand, Tapowan Road, Dehradun.
3. Pension Accounts, Government of Uttarakhand, Dehradun through Directorate, Lekha, Pension and Haqdari, Uttarakhand, Dehradun.

..... Respondents

Present: Sri Dushyant Mainali, Advocate, for the Applicant  
Sri Kishore Kumar, A.P.O., for the Respondents

**JUDGEMENT**

**Dated: 23<sup>rd</sup> October, 2024**

**Justice U.C. Dhyani (Oral)**

Writ Petition No. 178 (S/B) of 2021, which was reclassified and renumbered as claim petition no. 96/NB/SB/2022, was disposed of by the Tribunal *vide* order dated 01.08.2024 by directing respondent no. 2 to decide the representation of the petitioner and consider his case by a reasoned and speaking order after giving

opportunity of personal hearing, in accordance with law, without unreasonable delay, on presentation of certified copy of the order along with representation enclosing the documents in support thereof.

2. A miscellaneous case has been filed on behalf of the petitioner for modifying Tribunal's order dated 01.08.2024. The only prayer of the petitioner is that, instead of giving direction to respondent no. 2, direction should be given to respondent no. 1. The modification application is supported by the affidavit of the petitioner.

3. Learned Counsel for the applicant submitted that clerical mistake has occurred, which can be rectified by way of filing modification application.

4. Sri Kishore Kumar, learned A.P.O. has no objection to such innocuous prayer of the petitioner.

5. Modification application is allowed in the interest of justice. A direction is given to respondent no. 1 (instead of respondent no. 2) to decide the representation of the petitioner and consider his case by a reasoned and speaking order after giving opportunity of personal hearing, in accordance with law, without unreasonable delay, on presentation of certified copy of this order along with representation enclosing the documents in support thereof.

**(JUSTICE U.C. DHYANI)**  
CHAIRMAN

*DATE: 23<sup>rd</sup> October, 2024*  
*DEHRADUN*  
*RS*