

**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. 13/NB/DB/2025

Smt. Nirmala Joshi, aged about 61 years, w/o Sri Ramesh Chandra Joshi, r/o Madhavi Sadan, Uttaranchal Coloney-III, Bharat Gas Godam Road, Kusumkhera, Haldwani, District Nainital.

.....**Petitioner**

Vs.

1. State of Uttarakhand through Secretary, Rural Development Department, Government of Uttarakhand, Dehradun.
2. Commissioner, Rural Development Department, Uttarakhand, Pauri, District Pauri.
3. Chief Development Officer, Nainital.
4. District Development Officer, Nainital.

.....**Respondents**

Present: Sri Bhagwat Mehra, Advocate for the petitioner
Sri Kishore Kumar, A.P.O. for the respondents

JUDGMENT

DATED: FEBRUARY 14, 2025

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

"A. To direct the Respondent No. 2 to forthwith consider and take a decision on the representation dated 02-03-2022 submitted by the petitioner (Annexure No. 10 to the

Compilation No. II), which was duly forwarded by the Respondent No. 4 vide letter dated 11-03-2022.

B. To direct the Respondents to grant all consequential benefits to the petitioner.

C. To issue any other order or direction, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

D. Award the cost of the Claim petition in favour of the petitioner.”

2. It is the submission of learned Counsel for the petitioner that he had submitted a detailed representation dated 25-11-2013 to the Respondent No. 2, whereby, it was requested to give her the benefit of Second ACP in the Grade Pay of Rs. 7600/- from 01-09-2008 and benefit of Third ACP in the Grade Pay pf Rs. 7600/- from 01-03-2012, which was duly forwarded by the concerned Block Development Officer to the Respondent No. 4 and the Respondent No. 4 in turned vide letter dated 28-11-2013 forwarded the same to the Respondent No. 2 for necessary action. Thereafter, the matter remained pending and the requested benefits were not given to the petitioner. When no decision whatsoever, was taken in the matter, the petitioner again submitted a detailed representation on 02-03-2022 to the Respondent No. 2. The said representation was duly forwarded by the Respondent No. 4 to the Respondent No. 2 vide forwarding letter dated 11-03-2022. It is submitted that the inaction/omission on the part of the Respondents in the matter is aimed at to defy the legitimate claim of the petitioner.

3. The prayer of Ld. Counsel for the petitioner that the petitioner's pending representation dated 02.03.2022 (Annexure: 10), which was duly forwarded to the Respondent no. 4 vide letter dated 11.03.2022, may kindly be directed to be decided by the respondent no. 2, at an earliest possible, in accordance with law, to which Ld. A.P.O. has no objection.

4. In view of the above, it appears that respondent no. 2 is totally indifferent to the representation of the petitioner so, the claim petition is disposed of at the admission stage, by directing

respondent no. 2 (Commissioner, Rural Development Department, Uttarakhand, Pauri, District Pauri), to decide pending representation dated 02.03.2022 (Annexure: 10) of the petitioner by a reasoned and speaking order, within two months, in accordance with law, on presentation of certified copy of this order along with copy of the representation (Annexure: 10), enclosing relevant documents. No order as to costs.

(A.S.RAWAT)
VICE CHAIRMAN(A)

(RAJENDRA SINGH)
VICE CHAIRMAN (J)

DATED: FEBRUARY 14, 2025
DEHRADUN.
KNP