

*“j) To command the respondents for re-determine the pay and fix the promoted pay scale from 01.12.1997, selection grade, thereafter, selection grade from 01.12.2007 (Grade Pay 4800) and senior pay scale on 01.12.2019 (Grade Pay 5400), leave encashment, pension, gratuity and arrear of pay scale of 7th Pay Commission with admissible interest.*

*ii) To command the respondents to pay monthly pension to the petitioner after calculating the entire service from 01.12.1997 to 31.03.2025 and calculate the pension after correctly fix the pay scale from the date of promotion i.e. 01.12.1997.*

*iii) To pass an order or direction in the nature, which this Hon'ble Court may deem fit and proper in the circumstances of the case.*

*iv) Award the cost of the claim petition and may be given to the petitioner.”*

2. Brief facts of the case are that the petitioner was appointed as Assistant Teacher in Primary School, Udham Singh Nagar on 09.03.1995, on 14.11.1996, the petitioner was promoted as Assistant Teacher Science. But he was not given the joining due to non-vacancy of post, thereafter, on 18.11.1997 he was given posting at Government School Kutra Khatima, which was a Junior High School. On 18.11.1997, the promotion order was issued the District Basic Education Officer, Nainital, in which the name of the petitioner placed at serial no. 1 stated therein that the petitioner has been promoted on the pay scale of Rs. 850.

3. On 29.11.1997 the petitioner was relieved, but there was no vacant post, therefore, the District Basic Education Officer vide his order dated 01.12.1997 directed to remain and discharge the duties. The Basic Education Officer, Udham Singh Nagar passed the order and permitted the petitioner to join at Higher Secondary School, Sadhu Nangal, Tehsil Sitarganj, District Udham Singh Nagar vide his order dated 18.05.1999.

4. The petitioner worked continuously, but no revised pay scale and promoted pay scale was given to him, thereafter, he filed the writ petition no. 897 of 2004 (S/S) Satya Pal Singh Vs. State of Uttarakhand and others before the Hon'ble High Court of Uttarakhand. On 26.11.2012 the Hon'ble High Court Nainital has disposed of the writ petition with the observation that the other benefit of service can be given from May 1999 and seniority, pay fixation of pay scale and increment from 01.12.1997.

5. In pursuance of the judgment and order passed by the Hon'ble High Court Nainital, the petitioner made representations to the District Education Officer, Chief Education Officer, Udham Singh Nagar for the

salary has to be fixed from 01.12.1997 as directed by the Hon'ble High Court, Nainital vide order dated 26.11.2012.

6. The representations made by the petitioner have not been considered by the respondent and till the date no appropriate order have been passed. On 08.07.2024, the District Education Officer, Primary has passed the order in which name of the petitioner has been placed at serial no. 41 by which the benefit of academic session was given and it is directed that the last working day of the petitioner will be 31.03.2025. The respondent has not been given the promoted pay scale from the date of his promotion dated 01.12.1997, although the joining was given on the promoted post on 20.05. 1999 even after direction given Hon'ble Court. After retirement on 31.03.2025, the petitioner has made representation to the respondent on 21.04.2025 for his grievances, which is pending before the respondent authorities.

7. During course of hearing, at admission stage, Ld. Counsel for the petitioner confined his prayer to the extent that the petitioner's representation dated 21.04.2025, which was addressed to District Education Officer (Primary Education), Udham Singh Nagar (respondent no. 5), may kindly be directed to decide, at an earliest possible, in accordance with law, to which Ld. A.P.O. has no objection.

8. The claim petition is, accordingly, disposed of at the admission stage, by directing the District Education Officer (Primary Education), Udham Singh Nagar (respondent no. 5), to decide pending representation dated 21.04.2025 of the petitioner by a reasoned and speaking order, within a period of four months, in accordance with law, on presentation of certified copy of this order. No order as to costs.

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

**RAJENDRA SINGH**  
VICE CHAIRMAN (J)

*DATED: MAY 07, 2025*  
*DEHRADUN.*  
*KNP*