

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

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. D.K.Kotia

-----Vice Chairman (A)

CLAIM PETITION NO. 58/DB/2016

Dr. Raj Kumar Singh Retd. Senior Radiologist S/o Sh. Sukhveer Singh R/o 60/4,
Teg Bahadur Road, District Dehradun, Uttarakhand.

.....Petitioner

Versus

1. State of Uttarakhand through Secretary, Medical, Health and Family Welfare, Government of Uttarakhand, Secretariat, Dehradun.
2. Director General, Medical, Health and Family Welfare, Uttarakhand, Danda Lakhaund, P.O., Gujrada, Sahastradhara Road, Dehradun.
3. State of Uttar Pradesh through Principal Secretary, Medical, Health and Family Welfare, Government of U.P., Medical Section-2, Lucknow, U.P..

.....Respondents.

Present: Sri L.K.Maithani, Counsel
for the petitioner.
Sri U.C.Dhaundiyal, A.P.O.
for the Respondents.

JUDGMENT

DATED: FEBRUARY 16, 2018

Justice U.C.Dhyani (Oral)

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

“i. To issue an order or direction to the concerned respondents to take decision on the letter No. 1Pa./Ra.Pu./27/2013-9224 of

dated 15.04.2015 of Respondent No.2 (filed with the Annexure No.A-10 to this petition.)

- i. To grant the benefit of regular pay with the arrears of pay from the date of the ad-hoc appointment of the petitioner i.e. since 22.08.1992, with all consequential service benefits as granted by the respondent No.3 to the counter parts and similarly situated other medical officers vide office order dated 06.,02.2013, 17.09.2013 and 01.08.2014.*
- ii. To grant the interest on the above amounts.*
- iii. To issue any other order or direction which this court may deem fit and proper in the circumstances of the case.*
- iv. To award the cost of the case.”*

2. Brief facts arising out of present claim petition are that on 22.08.1992, the petitioner, along with other persons, was selected and appointed on the post of Medical Officer in consolidated pay on ad-hoc basis. On 22.09.1992, the C.M.O. Moradabad (UP) gave posting to the petitioner on the vacant post of Medical Officer at New Primary Health Centre , Tigri, Gajrolla. The petitioner gave joining at New Primary Health Centre , Tigri, Gajrolla on 30.09.1992. On 31.12.1996 the petitioner was regularly selected by U.P. Public Service Commission. He was posted as Medical Officer in Government Allopathic Hospital, Banjwari, Tehri Garhwal. Thereafter, petitioner sought voluntary retirement, which was accepted on 31.07.2013.
3. It is the submission of Ld. Counsel for the petitioner that, in compliance of the decision rendered by Hon’ble Public Services Tribunal, Lucknow, Respondent No.3 granted the benefit of regular pay along with arrears and all consequential benefits to the petitioners, vide order dated 06.02.2013. Ld. Counsel for the petitioner has referred to a decision of Dr. Prakash Vats and others (claim petition No. 66/2010) in this regard. According to the Ld.

Counsel for the petitioner, the benefit was given to Dr. Bharat Verma.

4. Ld. Counsel for the petitioner further submitted that in respect of other similarly situated Medical Officers, who did not approach the Court, the Director General, Medical and Health, U.P. Lucknow, vide letters dated 28.5.2014 and 30.07.2014, sent proposal to Respondent No.3, and on such proposal, the Respondent No.3 granted benefit of regular pay along with arrears and consequential service benefits to similarly situated Medical Officers of State of U.P..
5. It is further submitted that some of the Medical Officers, who are working and posted in the State of Uttarakhand, have also been given benefit of aforesaid orders, vide order dated 01.08.2014.
6. The petitioner filed his representation to Respondent No.2 and prayed for the same benefit, as was granted by Respondent No.3 to other similarly situated Medical Officers, which is pending disposal before the said authority. None has responded on behalf of respondent No.2 despite service of notice. The same has been noticed by this Court in its order dated 11.04.2017.
7. Therefore, the prayer of the Ld. Counsel for the petitioner that petitioner's representation, which was sent by him to Respondent No.2, may kindly be directed to be decided by Respondent No. 3.
8. Respondent No.2 has no objection to such innocuous prayer of the petitioner.
9. It may be mentioned here that when Office Memorandum was issued by Medical Department, Government of U.P. on 01.08.2014 (Annexure: A 1), some of the Medical Officers, who were posted in Uttarakhand, find place in that O.M. It may further

be mentioned here that Director General Medical, Health and Family Welfare, Uttarakhand, has already sent a proposal to Director General, Medical, Health and Family Welfare, U.P., Lucknow, on 07.05.2015, incorporating a list of such persons in which petitioner's name finds place at Sl. No.33.

10. A direction is, therefore, given to Respondent No.2 to get the representation of petitioner decided by Respondent No.3, by a reasoned and speaking order, at the earliest, but not later than eight weeks of presentation of certified copy of this order.
11. The claim petition is, accordingly, disposed of. No order as to costs.

(D.K.KOTIA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: FEBRUARY 16, 2018
DEHRADUN

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