

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

CLAIM PETITION NO. 53/DB/17/DB/2016

Ramendra Singh aged about 64 years S/o Late Shri Kartar Singh, R/o 219-B,
Lunia Mohalla, Dehradun..

.....Petitioner

vs.

1. State of Uttarakhand through Secretary Finance, Secretariat, Subhash Road, Dehradun.
2. Additional Inspector General , Stamps & Registration, Ring Road, Dehradun.
3. Uttarakhand Public Service Commission, Haridwar, through its Secretary.

.....Respondents.

Present: Smt. Anupama Gautam &
Sri A.S.Bisht, Counsel
for the petitioner.

Sri U.C.Dhaundiyal, A.P.O.
for the Respondents.

JUDGMENT

DATED: MARCH 05, 2018

Justice U.C.Dhyani(Oral)

Present claim petition has been filed by the petitioner for following reliefs:

“ (a) That the petitioner be given notional promotion to the post of Sub Registrar, Dehradun as per his seniority fixed by the DPC, from 29.08.2013 till his date of retirement.

(b) That the petitioner be allowed the arrears of consolidated salary during his service period and the arrears of pension as per the said promotion dated 29.08.2013.

(c) Full cost of the petition.

(d) Any other relief to which the petitioner is found entitled may very kindly be granted.”

2. Petitioner was a Clerk in the office of Sub- Registrar, Dehradun and retired on 31.08.2013. According to the information gathered by the petitioner under RTI, the DPC was conducted for his promotion, along with others, before his retirement. Petitioner was at Sl. No. 3 in the Selection year 2011-12. Petitioner made representation to the appointing authority on 06.02.2017, but no information was given to him. The petitioner called upon Respondent No.2 to make good his arrears of salary, pension, retiral benefits on the basis of his promotion to the post of Sub-Registrar as per his seniority fixed in the DPC, but such notices of the petitioner were never replied by Respondent No.2. The petitioner served the said respondent with a reminder, but to no avail. Hence, present claim petition.
3. Ld. A.P.O., at very outset, objected that the claim petition is time barred. The affidavit filed in support of claim petition indicates that, notice after notice has been given by the petitioner to Respondent No.2, without seeking any reply. One such notice was last sent on 18.08.2017 and the claim petition has been filed on 03.11.2017.
4. Being satisfied with the sufficiency of reasons, thus furnished, in support of delay condonation application, the delay, in filing the claim petition, is hereby condoned. Application made therefor is, accordingly, allowed.
5. Since, Counter Affidavit could not be filed on behalf of respondents, therefore, to avoid further loss of time, Ld. Counsel for the petitioner, after arguing the claim petition at some length and on seeking instructions from his client, who is present before the Tribunal in person, confined his prayer only to the extent that, the representation of the petitioner be kindly directed to be

decided by Respondent No.2 . Ld. A.P.O. has no objection to such innocuous prayer.

6. The claim petition is, accordingly, disposed of by directing Respondent No.2 to decide the representation of the petitioner at an earliest possible but not later than four weeks of presentation of certified copy of this order along with a copy of representation, by a reasoned and speaking order, as per law.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: MARCH 05, 2018
DEHRADUN

VM