

**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. 17/DB/2013

1. Mukesh Chand Mangain S/o Sri Khem Chand Sharma, posted as Statistical Superintendent, Uttarakhand Forest Development Corporation, Dehradun, R/o Danda Lakhaund, Dehradun.
2. Amarnath S/o Sri Harichand, Posted as- Statistical Assistant, Uttarakhand Forest Development Corporation, 73 Nehru Road, Dehradun, R/o Shimla Bypass Road, Majra, Dehradun.

Legal heirs of petitioner No. 2.

- 1/2. Smt. Anita Dhariya, Wife, age 47 years.
 - 1/3. Km. Shivani Dhariya, Daughter, aged 17 years
 - 1/4. Abhay Dhariya, Son, aged 16 years
- All R/o Chandrakanta Niwas, Pooja Vihar, Sewla Kalan, Dehradun.

.....Petitioners

VS.

1. State of Uttarakhand through Principal Secretary, Forest & Environment, Dehradun.
2. Managing Director, Uttarakhand Forest Development Corporation, 73 Nehru Road, Dehradun.

.....Respondents.

Present: Sri Ravindra Singh, Counsel
for the petitioner.

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

JUDGMENT

DATED: APRIL 04, 2018

Justice U.C.Dhyani (Oral)

By means of present claim petition, petitioners have claimed re-structuring of Uttarakhand Forest Development

Corporation on the pattern of U.P. Forest Corporation, Benefit of ACP Promotional Pay Scale and revision of Pay Scale of Statistical Assistant from Rs.5000-8000/- (Revised pay scale Rs. 9300-34800/- Grade pay Rs. 4200/-) to Rs.5500-9000/- (Revised pay scale Rs. 9300-34800/- Grade pay Rs. 4600/-).

2. During pendency of the claim petition, petitioner No. 1 died and therefore, the petition, with regard to petitioner No.1 stood abated *vide* order dated 21.11.2013. Petitioner No.2 also passed away on 10.12.2015, but his legal representatives were brought on record *vide* order dated 23.02.2016.
3. Petitioner No. 2 was Statistical Assistant (*Sankhikiya Sahayak*) in the office of Respondent No.2, when he died in harness. Initially, he was appointed as Compiler (*Sankalankarta*) and thereafter he was promoted to the post of Data Calculator (*Sanganak*) before becoming the Statistical Assistant. As has been stated above, petitioner No. 2 desired re-structuring of Uttarakhand Forest Development Corporation on the pattern of U.P. Forest Corporation and benefit of ACP Promotional Pay Scale. This Court does not think it necessary to mention other facts, while disposing of present claim petition, for, those facts have now become redundant.
4. Principal grievance of legal heirs of petitioner No.2 is non consideration of Office Order No. E-5388/Pay Statistical Cadre dated 04.12.2017, issued by Managing Director, Uttarakhand Forest Development Corporation (Respondent No.2) by the authority concerned.
5. After arguing the claim petition at some length, Ld. Counsel for legal heirs of petitioner No.2 confined his prayer only to the

extent that a direction be given to Respondent No.1 to decide the representation of petitioner by a reasoned and speaking order, in the light of amicable settlement, which took place between the employees of Statistical Cadre of Uttarakhand Forest Development Corporation and Board of Directors on 11.11.2017.

6. It appears that some amicable settlement took place between Statistical Cadre of Uttarakhand Forest Development Corporation and members of Board of Directors on 09.11.2017, which settlement was reduced to writing on 11.11.2017. It was resolved that the pay scale of Rs. 5000-8000 Pay Band Rs.93000-34800/- Grade Pay Rs. 4200/- shall be revised to the pay scale of Rs. 5500-175-9000/- Pay Band Rs.9300-34800/- Grade Pay Rs.4600/- w.e.f. 01.01.2006. It was clearly stipulated in the office order dated 04.12.2017 that such a resolution shall be subject to the decision, if any, of the Government or any Court.
7. It is submission of Ld. Counsel for the petitioner that no decision has been taken by the Government on such Office Order and, therefore, his representation requires to be decided by Respondent No.1.
8. Grant of pay scale is the prerogative of the Government. Considering the facts of the case, we think that the innocuous prayer of the legal representatives of petitioner No.2 is worth accepting.
9. Claim petition is, accordingly, disposed of by directing petitioner to move a representation before Respondent No.1, enclosing a copy of Office Order dated 04.12.2017 (Pg. 66/1) within a period of three weeks. Respondent No.1, thereafter, is directed to decide such representation of the legal representatives

of petitioner No.2, by a reasoned and speaking order, in accordance with law, within twelve weeks of the presentation of certified copy of this order along with copy of representation and Office Order dated 04.12.2017.

10. Needless to say that the decision so taken, shall be communicated to Smt. Anita Dhariya, wife of the petitioner No.2 at an earliest.
11. It is made clear that we have not expressed any opinion on the merits of the case.

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

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: APRIL 04, 2018
DEHRADUN

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