

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

**CLAIM PETITION NO. 65/DB/2013**

1. Geeta Ram S/o Sri Panch Ram Pandey, presently posted as Forest Ranger, Rasyabarh Van Prabhag, District Hardwar.
2. Ramesh Chand S/o Shri Sant Ram posted at Forest Ranger Officer, Lancedown Division, Laldhang Rang, Pauri Garhwal.

.....Petitioner

**vs.**

State of Uttarakhand through and others

.....Respondents.

Present: Sri V.P.Sharma, Counsel  
for the petitioner.

Sri U.C.Dhaundiyal, A.P.O.  
for the Respondents No. 1 & 2.

**JUDGMENT**

**DATED: APRIL 05, 2018**

**Justice U.C.Dhyani(Oral)**

By means of present claim petition, petitioner No.1 seeks following principal relief, among others :

“ To issue order or direction directing to the respondent No.1 to redraw, modify and correct the seniority list dated 05.07.2013 (Annexure 1 of the petition) and place the name of the petitioner No.1 at appropriate place tentatively at Sl. No. 31 & 32 of the seniority list with all the consequential benefits”.

**Basically, the prayer of the petitioner is to redraw the seniority list in which he may be put up at an appropriate place.**

2. **The petitioner No.2 does not wish to press his claim petition, therefore, petition in respect of petitioner No.2 is dismissed.**

3. Brief facts, giving rise to present claim petition, are as follows:

Petitioner No.1 was initially appointed as Wild Life Guard on 03.04.1976. Thereafter he was promoted to the post Assistant Wild Life Warden on 21.03.1982, as Forester on 12.09.1985 and as Deputy Ranger on 17.07.1991. When he sought voluntary retirement on 31.07.2016, he was posted as Forest Range Officer. Petitioner was due to retire on 30.06.2017.

Petitioner has challenged the seniority list issued on 05.07.2013 and has also challenged the subsequent seniority of Respondents No. 3 to 43. Respondents No. 3 to 43 were served with notices, but none has filed C.A./W.S. despite service of notices upon them and none has turned up on behalf of them even today.

It is the submission of Ld. Counsel for the petitioner that on the basis of impugned seniority list, petitioner was not given the benefit of ACP as per letter dated 3.11.2012, issued by Principal Chief Conservator of Forests. Ld. Counsel for the petitioner further submitted that petitioner is entitled to 2<sup>nd</sup> and 3<sup>rd</sup> ACP benefits, which has not been given to him. According to him, there was provision for increment and Promotional Pay Scale after completing the service of 8, 14,19 and 24 years, which has not been given to the petitioner. It is also the submission of the Ld. Counsel for the petitioner that one Sri Dinesh Prasad Uniyal, who was junior to him, was given higher Grade Pay than the petitioner.
4. After arguing the claim petition at some length, Ld. Counsel for petitioner confined his prayer only to the extent that a direction be given to Respondent No.2 to decide the representation of the petitioner regarding ACP, which he will be filing very soon, by a reasoned and speaking order, in accordance with law.
5. Considering the facts of the case, innocuous prayer of the petitioner is worth accepting.

6. Claim petition is, accordingly, disposed of by directing petitioner to move a representation before Respondent No.2, along with a copy of this Order within a period of two weeks. Respondent No.2, thereafter, is directed to decide such representation of the petitioner, by a reasoned and speaking order, in accordance with law, within a period of ten weeks of presentation of certified copy of this order along with a copy of representation
7. Needless to say that the decision so taken, shall be communicated to f the petitioner soon thereafter.
8. 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 05, 2018*  
*DEHRADUN*

VM