

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

CLAIM PETITION NO. 36/DB/2013

Chiranjee Lal S/o Sri Pushu Lal, R/o Village, Naurakh, Patwari Circle, Kaudiya,
Tehsil and District Chamoli.

.....Petitioner

vs.

1. State of Uttarakhand through Secretary, Revenue, Dehradun.
2. District Magistrate, Chamoli.
3. Secretary, Estate Department, State of Uttarakhand, Dehradun.
4. Secretary, General Administrative Department, Secretariat, State of Uttarakhand, Dehradun.
5. Managing Director, Garhwal Mandal Vikas Nigam, Uttarakhand Secretariat Bhawan, Survey Chowk, Dehradun.

.....Respondents.

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

Sri V.P.Devrani, A.P.O.
for the Respondents.

JUDGMENT

DATED: APRIL 06, 2018

Justice U.C.Dhyani(Oral)

By means of present claim petition, petitioner seeks following reliefs:

“ (i) To issue order or direction to quash the impugned order 19.09.2007 and to reinstate the petitioner in service w.e.f. the date when his juniors were regularized.

(ii)

(iii) Issue order or direction to grant all the consequential benefits.

(iv) To award the cost of this petition to the petitioner.”

2. Facts in brief, giving rise to the present claim petition are that, the petitioner, who is a Scheduled Caste candidate, was initially appointed as Driver in 1997 in Secretariat of U.P. for V.I.P. duties. After creation of State of Uttarakhand, he was deputed on V.I.P. duties in the Estate Department in Uttarakhand and in this regard a certificate dated 24.02.2002 was also issued by the Minister of Uttarakhand Government. *Vide* appointment letter dated 21.05.2002, the petitioner was appointed on the post of Driver in the pay scale of Rs.3050-75-3950-80-4590 against the existing and sanctioned post. *Vide* letter dated 19.09.2007, the services of the petitioner were dispensed with by the Respondent No.2.
3. Aggrieved with the impugned order dated 19.09.2007, petitioner filed writ petition No. 1627 of 2007 before the Hon'ble High Court of Uttarakhand, which was dismissed vide order dated 17.09.2009, with a liberty to file the claim petition before the Public Services Tribunal. Petitioner submitted representation to the Respondent No.2 for cancellation of the order and reinstatement in service, but the same has not been decided as yet.
4. Instead of pressing the reliefs sought by the petitioner in the claim petition, Ld. Counsel for the petitioner has confined his prayer only to the extent that, subject to filing a fresh representation by the petitioner, the same may kindly be directed to be decided by the Rajya Sampatti Adhikari, in the Estate Department of the Government, by a reasoned and speaking order, in accordance with law.
5. Considering the facts of the case, we think that the innocuous prayer made by the petitioner, is worth accepting.

6. Claim petition is, accordingly, disposed of by directing petitioner to move a representation before the Rajya Sampatti Adhikari, in the Estate Department, at Dehradun, along with a copy of this Order, within a period of two weeks. Rajya Sampatti Adhikari, thereafter, is directed to decide such representation of the petitioner, by a reasoned and speaking order, in accordance with law, within a period of twelve 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 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 06, 2018
DEHRADUN

VM