

**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. 15/DB/2018

Abdul Aziz S/o Late Salimulla @ Chutan Mian aged about 71 years, retired Executive Engineer, Uttarakhand Jal Sansthan, R/o 179-180/a, Landhore Bazar, Mussoorie, District Dehradun, Uttarakhand.

.....Petitioner

vs.

State of Uttarakhand and others,

.....Respondents.

Present: Sri L.K.Maithani, Counsel
for the petitioner.

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

JUDGMENT

DATED: APRIL 23, 2018

Justice U.C.Dhyani (Oral)

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

“ (i) To issue an order or direction to the concerned respondents to sanction the pension to the petitioner with 18% penal interest on the amount of pension of every month since the date of retirement up to the date of actual payment.

(ii) To issue an order or direction to the respondent to pay all the retirement dues i.e. gratuity, leave encashment, amount of

commutation, GPF and GIS with 18% penal interest on the amount of arrears of every retirement dues since the date of retirement up to the date of actual payment.

(iii) To issue an order or direction to the respondent to pay the 18% penal interest on amount of Rs.5,89,987/- of promotional benefits issued by the respondent vide Cheque No. 045242 of dated 01.09.2017 to the petitioner since 18.09.2006 up to 01.09.2017 (from the date of judgment in C.P. No. 105/T/2003 to the date of actual payment) and further on the amount of interest of said period the penal interest 18% be granted to the petitioner up to the date of actual payment.

(iv) To issue an order or direction to the concerned respondent to pay compensation or penalty to the petitioner for his mental agony and harassment.

(v) To issue any other order or direction which this court may deem fit and proper in the circumstances of case in favour of the petitioner

(vi) To award the cost of the petition.”

2. It is the submission of Ld. Counsel for the petitioner that the petitioner retired way back on 30.04.2006 and his retiral dues have not been paid as yet. Ld. Counsel for the petitioner submitted that many representations have been given by the petitioner in the past, but respondent No.2 has not taken any decision on the same. Ld. Counsel for the petitioner also argued that even interim pension and interim claim for provident fund of the petitioner has not been cleared by the department.
3. After arguing the claim petition at some length, 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 respondent No.2, by a reasoned and speaking order, in accordance with law.
4. Ld. A.P.O. has no objection to such innocuous prayer. Considering the facts of the case, we think that the innocuous prayer made by the petitioner, is worth accepting.

5. Claim petition is, accordingly, disposed of at the admission stage by directing petitioner to move a fresh representation before the respondent No.2, along with a copy of this Order. Respondent No.2, thereafter, is directed to decide such representation of the petitioner, by a reasoned and speaking order, in accordance with law, at earliest possible but not later than three weeks of presentation of certified copy of this order along with a copy of representation.
6. Needless to say that the decision so taken, shall be communicated to the petitioner soon thereafter.

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

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: APRIL 23, 2018
DEHRADUN

VM