

**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. 11/SB/2017

Ram Charan Juyal, S/o Late Sri Amba Dutt Juyal aged about 59 years,
Administrative Officer, in the office of Chief Engineer, Public Works
Department, Yamuna Colony, Dehradun..

.....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 25, 2018

Justice U.C.Dhyani (Oral)

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

“ (i) To issue an order or direction to the concerned respondents to
sanction to grant the pay scale of Rs.950-1500/- with all
consequential benefits in place of pay scale of Rs. 825-1200/- since
01.01.1986 as have been granted by the respondent No.1 vide his
G.O. dated 05.04.2013 to all the fuse man/ electrician of the
departments, the similarly situated persons of the petitioner and as

granted to Amins Sh. Bhagat Ram Mishra and Sh. Hari Singh Negi, the counter parts of the petitioner.

(ii) Issue any other order or direction which this Tribunal may deem fit and proper in the circumstances of case.

(iii) Award the cost of the petition.”.

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

The petitioner was appointed on the post of Amin in the office of Chief Engineer (Hill), P.W.D. Pauri on 12.08.1995. On 08.12.1989, the Government sanctioned revised pay scales on the recommendation of Anomaly Committee (*Samta Samiti*), and *vide* G.O. dated 30.12.1989, amended the pay scale of Rs. 825-1200/- to Rs. 950-1500/- for drivers and other equivalent posts. Pay scale of petitioner was also revised and re-fixed *vide* order dated 05.02.1991 of Respondent No.3. *Vide* letter dated 08.11.1993, it was made clear by the Chief Engineer that the employees shown from Sl. No. 46 to 59 in the report of Anomaly Committee, are equivalent to driver and, hence the pay scale of Rs.950-1500/- is admissible to them.

The State of U.P., *vide* G.O. dated 16.03.1998, modified the G.O. dated 08.12.1989 and reduced the pay scale of Rs.950-1500/- to Rs.825-1200/- of the posts and the department was directed to recover the excess amount paid to the employees on account of revised pay scale, i.e., Rs. 950-1500/-. The Chief Engineer, P.W.D., U.P., *vide* order dated 25.05.1998 wrote to all the regional Chief Engineers of the Department in respect of G.O. dated 16.03.1998 that the office letter dated 08.11.1993 is deemed to be amended and action be taken accordingly. The pay scale of petitioner, which was revised *vide* order dated 05.02.1991 to Rs.950-1500/-, was re-fixed to the pay scale of Rs.825-1200/-.

Aggrieved with the G.O. dated 16.03.1998 and Office Order dated 25.05.1998, some similarly situated employees approached the Hon'ble Court and the Court gave the order in favour of those employees. Some of the employees, aggrieved with those orders, filed claim petitions before Public Services Tribunal which were dismissed by the Tribunal. Thereafter employees approached Hon'ble High Court of Uttarakhand at Nainital and their petitions were allowed. S.L.P. filed by the respondents before the Hon'ble Supreme Court was dismissed *vide* order dated 28.08.2011. Relief in Claim petitions No. 49/T/2009 and 24/DB/2013, filed by other employees, before the Tribunal, was also given, in the light of judgment and order of Hon'ble High Court of Uttarakhand. Petitioner also moved representation dated 19.12.2016 to Respondent No.3, but the same has not been decided till date.

3. After arguing the claim petition at some length, Ld. Counsel for the petitioner has confined his prayer only to the extent that petitioner's representation, which was sent by him to Respondent No.3, may kindly be directed to be decided by such Respondent.
4. Ld. A.P.O. has no objection to such innocuous prayer but at the same time he has submitted that present claim petition is not maintainable. Considering the facts of the case, we think that the innocuous prayer made by the petitioner, is worth accepting in the interest of justice. Petitioner is entitled to know the response of respondents' department on his representation.
5. Claim petition is, accordingly, disposed of by directing Respondent No.3 to decide such representation of the petitioner, by a reasoned and speaking order, in accordance with law, at an earliest possible but not later than twelve 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.

7. It is made clear that we have not expressed any opinion on the merits of the claim petition.

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

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: APRIL 25, 2018
DEHRADUN

VM