

**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. 65/DB/2018

Km. Garima D/o Sh. Khanhaya Lal Mishra aged about 44 years, present working and posted on the post of Assistant Teacher L.T. Grade in RAjkiya Ashram Paddwati Balak Vidyalaya, Laldhang, District Haridwar, Uttarakhand.

.....Petitioner

vs.

1. State of Uttarakhand through Secretary, Social Welfare, Government of Uttarakhand Secretariat, Subhash Road, Dehradun.
2. Director, Department of Social Welfare, Uttarakhand, Haldwani, District Nainital, Uttarakhand.

.....Respondents.

Present: Sri L.K.Maithani, Counsel for the petitioner.
Sri U.C.Dhaundiyal, A.P.O., for the Respondents

JUDGMENT

DATED: OCTOBER 12, 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 correct the seniority of the petitioner in the seniority list dated 28.05.2013 of Assistant Teacher L.T. grade and place the petitioner in the seniority list on the basis of fresh amended date of merger, i.e., the date 20.07.2004 instead of date 21.09.2005.
- (ii) To issue any other order or direction which this Court may deem fit and proper in the circumstances of the case in favour of the petitioner.
- (iii) To award the cost of the petition. ”

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

The petitioner was initially selected and appointed on the post of Assistant Teacher C.T. Grade in Rajkiya Balika Uchchattar Madhyamik Vidyalaya, Gosthi, Pithoragarh, under the respondent department. *Vide* G.O. dated 21.09.2005, C.T. Grade was declared 'dead cadre' and the teachers, who had completed five years of service on 19.02.1991 in that cadre, were merged in the L.T. Grade. It is the submission of Ld. Counsel for the petitioner that services of petitioner were merged in L.T. Grade from the date of issuance of G.O. dated 21.09.2005. In the seniority list of Assistant Teachers of L.T. Grade, issued on 28.05.2013, petitioner was placed at Sl. No. 38, on the basis of merger of her services in L.T. Grade. Thereafter, *vide* office order dated 28.11.2016, by amendment, date of merger of the merged teachers was modified. Petitioner made representations to respondent no.2 with prayer to correct her seniority and place her in the seniority list of Assistant Teachers L.T. Grade as merged from 20.07.2004 in place of 21.09.2005, on the basis of her amended merger order dated 28.11.2016.

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, may kindly be directed to be decided by Respondent No. 2.
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 by directing Respondent No.2, to decide representation of the petitioner, after affording opportunity of personal hearing, if required, to her, by a reasoned and speaking order, in accordance with law, at an earliest possible but not later than eight weeks of presentation of certified copy of this order along with a copy of fresh 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.
8. The petition is, accordingly, disposed of at admission stage.

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

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: OCTOBER 12, 2018
DEHRADUN

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