

**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. 74/DB/2018**

Sarat Singh Mahar s/o Late Sri Bhoop Singh r/o Near Sondhi Wedding Point,  
Thakurpur, P.O. Ummedpur, Dehradun.

.....Petitioner

**vs.**

1. State of Uttarakhand through Principal Secretary (PWD), Government of Uttarakhand, Civil Secretariat, Dehradun.
2. Engineer in Chief, PWD, Uttarakhand, Dehradun.

.....Respondents.

**Present:** Sri Shashank Pandey, Counsel for the petitioner.

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

**JUDGMENT**

**DATED: NOVEMBER 14, 2018**

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

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

- “(a) To issue order or direction directing the respondents to redetermine the pension of the petitioner after including the period spent as a work-charge employee.
- (b) To issue order or direction to give the arrears of pension along with an interest of 18% p.a.
- (c) To give any other relief that this Hon'ble Court may feel fit and proper in the circumstances of the case.”

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

The petitioner is retired employee of Uttarakhand PWD. He was appointed on work charge basis in the year 1978 and was regularized in the year 1995. The petitioner discharged his duties for 17 years as a work charge employee till the age of his superannuation in the year 2009. It is the submission of Ld. Counsel for the petitioner that the services rendered as work charge employee, by the petitioner, were not counted for the purpose of retirement benefits. Petitioner filed claim petition No. 92/2003 before this Tribunal, which was decided *vide* judgment and order dated 02.11.2011, by which the Tribunal refused to direct the department to count the services rendered as a work charge employee for the purpose of retirement benefits. In various cases filed before Hon'ble High Court of Uttarakhand, involving common question of law as to whether the services rendered on work charge basis can be included for computation of retirement benefits, the Hon'ble High Court has replied the question in the affirmative, *vide* judgment and order dated 26.04.2018 (Annexure: A 3). It has been held that the services rendered on work charge basis will be counted for the purpose of retirement benefits. It is the submission of Ld. Counsel for the petitioner that petitioner made representation on 12.06.2018, but the same remains un-replied. Hence, present claim petition.

2. After arguing the claim petition at some length, petitioner has confined his prayer only to the extent that his representation dated 12.06.2018 (Annexure: A 1), may kindly be directed to be decided by Respondent No. 2, in accordance with law.

3. 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.

4. Claim petition is, accordingly, disposed of at the admission stage, by directing Respondent No.2 to decide representation dated 12.06.2018 (Annexure: A 1) of the petitioner, 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 such representation enclosing documents in support thereof.

5. Needless to say that the decision so taken, shall be communicated to the petitioner soon thereafter.
6. 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: NOVEMBER 14, 2018*  
*DEHRADUN*

VM