

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

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO. 79/DB/2019

Mithilesh Singh, Deputy Superintendent of Police, District Chamoli.

.....Petitioner.

VS.

1. State of Uttarakhand through Principal Secretary, Home, Secretariat, Govt. of Uttarakhand, Dehradun.
2. Director General of Police, Head Quarter, Dheradun, Uttarakhand.
3. Superintendent of Police, Chamoli, Gopeshwar.

.....Respondents.

Present: Sri Dinesh Khanduri, Counsel, for the petitioner.
Sri V.P.Devrani, A.P.O., for State of Uttarakhand.

JUDGMENT

DATED: JULY 04, 2019

Justice U.C.Dhyani (Oral)

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

“(a) To issue an order or direction commanding the respondents to take the speaking/ reasoned detailed decision on the representation dated 11.01.2018 (Annexure No. A-1) as preferred by the petitioner for granting him the benefit of senior promotional pay scale of Rs. 15,600-39,100/- with grade pay Rs.6,600/- w.e.f. 01.07.2015 along with all consequential benefits of the post.

(b) To issue an order or direction to the respondents to take speaking/ reasoned detailed decision on the representation dated

11.01.2018(Annexure No. A-1) and 02.12.2018 (*not filed*) of the petitioner in pursuance of the Govt. order/ rule relevant to it.

(c) To award the cost of the petition and to pass such order and direction as this Hon'ble Tribunal may deem fit and proper in facts and circumstances of the case."

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

Petitioner was initially selected on the post of Deputy Superintendent of Police through Uttarakhand Public Service Commission against the vacancy of the year 2006-07 on 04.01.2011. Petitioner joined his services in Police Headquarter, Dehradun on 14.01.2011 in the pay scale of Rs.15600-39100/- grade pay Rs.5400/- (Copy of the joining letter: Annexure-A2). After completion of two years' satisfactory service on probation, petitioner's services were confirmed as Dy.S.P. under Rule 25 of the Uttarakhand Police Service Rules, 2009, *vide* Govt. Order dated 23.11.2016 (Copy Annexure: A-3). Deputy Superintendents of Police, who complete four years' satisfactory service as on 1st July of the selection/ calendar year and whose services are confirmed, are eligible for senior promotional pay scale of Rs.15600-39100/- with grade pay Rs.6600/-, as per Govt. Order and, therefore, the petitioner, as per claim petition, was eligible for senior promotional pay scale of Rs.15600-39100/- with grade pay Rs.6600/- on 01.07.2015 (Copy Annexure: A-4).

Eligibility terms and conditions, for the purpose of granting senior promotional pay scale on the post of Dy.S.P., in the pay scale of Rs.15600-39100/- with grade pay Rs.6600/-, are as follows:

- (a) Dy.S.P. working in the pay scale of scale of Rs.15600-39100/- with grade pay Rs.5400/-, who have completed four years' satisfactory services as on 1st Day of July of selection year/ calendar year.
- (b) He should be confirmed on the post of Dy.S.P.
- (c) There should be the sanctioned vacant post for the purpose of granting the benefit of senior promotional pay scale of Rs.15600-39100/- with grade pay Rs.6600/-.

According to the petitioner, he is entitled to get the benefit of senior promotional pay scale of DY.S.P. *w.e.f.* 01.07.2015. For granting

such benefit, 08 vacant posts were available, out of which one post was reserved for sealed envelope officer. One post is vacant since 01.10.2016 and 06 posts are vacant for the year 2017, but in spite of that respondent department has not granted benefit of senior promotional pay scale to the petitioner from the date such post is lying vacant.

Benefit of senior promotional pay scale was granted to Sri Parikshit Kumar *w.e.f.* 05.09.2014, notionally. The DPC of Sri Parikshit Kumar was convened with the petitioner on 06.06.2018.

According to the petitioner, discrimination is meted out to him. Therefore, present claim petition.

3. The innocuous prayer made in the claim petition is that the representation of the petitioner should be decided by a reasoned and speaking order, to which Ld. A.P.O. has no objection.
4. Claim petition is, therefore, disposed of by directing Respondent No.1, to decide representation 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 fresh representation.
5. The claim petition is, accordingly, disposed of, at the admission stage itself. No order as to costs.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JULY 04, 2019
DEHRADUN

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