

**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. 113/DB/2019

Suraj Mani Malasi, s/o Late Sri T.R.Malasi & others, presently Retd. Assistant/
Executive/Superintending Engineer, Public Works Department, District
Dehradun.

.....Petitioners.

vs.

1. State of Uttarakhand through its Chief Secretary of Uttarakhand.
2. Secretary, Finance Department, Govt. of Uttarakhand, Dehradun
3. Principal Secretary/ Secretary, Public Works Department, Govt. of Uttarakhand,
Dehradun.
4. Chief Engineer, Level-I, Public Works Department, Uttarakhand.

.....Respondents.

Present: Sri N.K.Pant, Counsel, for the petitioner.

Sri V.P.Devrani, A.P.O., for State of Uttarakhand.

JUDGMENT

DATED: SEPTEMBER 12, 2019

Justice U.C.Dhyani (Oral)

By means of present claim petition, petitioners seek, interalia, to direct Respondent No.3 to issue a Government Order for giving benefits of upgraded grade pay of Rs.8700/- to the petitioners.

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

Petitioners are retired Assistant/ Executive/ Superintending Engineers in Public Works Department of State of Uttarakhand. The pay scale of Rs.37400-67000/- grade pay Rs.8700/- has been sanctioned to the Superintending Engineers of Govt. of India *vide* official Gazette No. 526 dated 17.10.2012 of the Govt. of India.

Pay scale of Rs.15600-39100/- grade pay Rs.7600/- of the Assistant/Executive /Superintending Engineers of the State has been upgraded to the pay scale of Rs.37400-67000/- grade pay Rs.8700/- *vide* G.O. No. 220/xxvii(7) 50(16)/2014 T.C. dated 31.10.2017 of the Principal Secretary, Finance, who directed for issuance of Govt. Orders accordingly by the administrative departments. Pay scale of Rs.15600-39100/- grade pay Rs.7600/- of the departmental Superintending Engineers has been upgraded to the pay scale of Rs.37400-67000/- grade pay Rs.8700/- *vide* G.O. No. 1795/III(1)/17-190(PWD)/2001TC-9 dated 07.12.2017, by Respondent No.3.

The petitioners having retired before 31.10.2017 have not got the benefit of the upgraded scale of Rs.37400-67000/- grade pay Rs.8700/- and for the same they have filed a combined representation on 25.02.2019 for granting benefits of the said G.O. to the Engineers retired before 31.10.2017. When the representation was not decided, petitioners reiterated the same by sending a reminder on 10.06.2019 for granting benefits of the said G.O. to the retired Engineers, but the Govt. has not taken any decision on the said representation. Hence, present claim petition.

3. After arguing the claim petition at some length, Ld. Counsel for the petitioners prayed that their representation dated 10.06.2019, along with enclosures (Annexure: A 13), may kindly be directed to be decided by Respondent No.3, at an early date, as per law. Ld. A.P.O. is not averse to the idea of directing Respondent No.3 to decide such representation at an early date, as per law.

4. We have noted that the representation of the petitioners is self contained representation, enclosing the annexures in support of their contention and, therefore, it will be in the fitness of things if Respondent No.3 is directed to decide such representation.
5. Claim petition is, accordingly, disposed of, at the admission stage, by directing Respondent No.3, to decide the pending representation dated 10.06.2019 (Annexure: A 13) of the petitioners, 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 copy of Annexure: A 13.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: SEPTEMBER 12, 2019
DEHRADUN

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