

**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.162/DB/19 .

K.C.Sharma "Panthari", s/o Late Sri Brahmanand Sharma, Accountant, Office of the Chief/ District Development Officer, Roshanabad, Haridwar, Uttarakhand.

.....Petitioner

vs.

1. State of Uttarakhand through its Secretary, Finance, Govt. of Uttarakhand.
2. Director, Account Directorate, 23 Laxmi Road, Dalanwala, Dehradun, Uttarakhand.
3. The Commissioner, Department of Rural Development Uttarakhand, Pauri.

....Respondents

Present: Sri N.K.Pant, Advocate, the petitioners.
Sri V.P.Devrani, A.P.O., for the Respondents.

JUDGMENT

DATED: JANUARY 09, 2020

Justice U.C.Dhyani (Oral)

By means of present claim petition, the petitioner seeks to direct the respondents to decide his representation dated 06.10.2019, besides this, other minor reliefs have also been sought, which, at present do not deserve mention.

2. Petitioner is an Accountant in Rural Development Department, posted in Haridwar. He is also State President of Gram Lekha Vikas Sangh. As per the claim petition, the pay scale of Treasury employees and other departments were similar before 01.01.2006. Pay scales of Accounts Branch of Treasury were up-graded *vide* Government Orders dated 18.11.2013, 15.02.2019 and 22.09.2019 *w.e.f.* 01.01.1986, 01.01.2006 and 25.07.2012 respectively. The pay scales of the employees of Accounts Department of Rural Development Department were not up-graded.

3. It is the cardinal principle of law that similarly situated persons cannot be treated differently. Pay scales of the employees of Treasury, working in Accounts Department, were up-graded in view of order dated 08.03.2013 of Hon'ble High Court in WPSS No. 497/2010. The petitioner has filed a representation on 25.07.2019, followed by reminders on 26.08.2019 and 06.10.2019, but the respondents have not taken any action on such representation. Hence, present claim petition.

4. Above noted narration of the facts, leading to filing of present claim petition, would indicate that, the representation of the petitioner has not been decided by the respondents. The decision on such representation, by the respondents, is the principal prayer of the petitioner in present claim petition. The Tribunal is of the view that such representation should be directed to be decided by Respondent No.1, by reasoned and speaking order, in accordance with law.

5. Ld. A.P.O. submitted that if a direction is given by the Tribunal, the representation of the petitioner shall be decided by Respondent No.1, as per law.

6. Order accordingly.

7. Issue of limitation is left open.

8. The claim petition is disposed of, at the admission stage, by directing Respondent No.1 to decide the pending representation of the

petitioner by a reasoned and speaking order, at an earliest possible, but not later than 12 weeks of presentation of certified copy of this order, along with copy of such previous representation, in accordance with law.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JANUARY 09, 2020
DEHRADUN

VM