

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

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

----- Chairman

Hon'ble Capt. Alok Shekhar Tiwari

-----Member (A)

CLAIM PETITION NO. 101/DB/2023

Sanjay Kumar Bhardwaj, aged about 44 years, s/o Sri B.R. Bhardwaj, r/o 131 Naibad Road, Umesh Nagar, Kashipur, Kotdwar, Pauri Garhwal, Uttarakhand.

.....Petitioner

WITH

CLAIM PETITION NO. 106/DB/2023

1. Vinod Kumar Raturi, (male), aged about 54 years, S/o, Sh. Chinta Mani Raturi, R/o Rishikesh road, Near ITI, Bahktiyana, Srinagar, Pauri Garhwal Uttarakhand.
2. Anoop Kumar Saklani, (male), aged about 57 years, S/o Late Sri T.L. Saklani, R/o Bisfooti Road, Near Thakurpur, Near Panchayat Ghat, Khari Khurd, Shyampur, SN Temple, Dehradun, Uttarakhand.
3. Ashish Arora, (male), aged about 41 years, S/o Late Sh. Narayan Das, R/o G-4, Ramnagar Colony, Jwalapur, Haridwar, Gurukul Knagri, Uttarakhand.
4. Ashish Mittal, (male), aged about 42 years, S/o Late Sri Man Mohan Mittal, R/o C-1, Type 2, PDW Colony, Devpura, Haridwar, Uttarakhand.
5. Atul Rana, (male), aged about 47 years, S/o, Late Sh. Ompal Rana, R/o Khanjarpur Road, PWD Colony, Adarsh Nagar, Roorkee, Haridwar.
6. Balwant Singh Danu, (male), aged about 47 years, S/o, Sh. Bhagat Singh Danu, R/o H.no. 7 Guru Vihar Lane no. 3, 2 no. puliya, Near Shiv Mandir, Lower Nehrugram, District Dehradun, Uttarakhand.
7. Bheem Singh Mahar, (male), aged about 44 years, S/o, Sh. Abbal Singh Mahar, R/o 01, Ghandiyal devta Mandir Marg, Aleth Manpur, Uttarkashi, Uttarakhand.

8. Chandra Lal Bharti, (male), aged about 53 years, S/o Late Sri Khima, R/o 30, 5 Raam Leela Maidan, Uttarkashi, Ward no.8, Barahat Range, Uttarkashi, Uttarakhand.
9. Dinesh Singh, (male), Aged about 47 years, S/o Late Sri Himmat Singh, R/o Street no 2, Friend Colony, Nera By pass road, Vikas Nagar, District Dehradun.
10. Himanshu Pandey, (male), aged about 44 years, S/o, Late Sri MC Pandey, Triveni Vihar, Sewlakala, Dehradun, Uttarakhand.
11. Lalit Mohan Chauhan, (male), aged about 48 years, S/o Late Sh. Gaje Singh, R/o Majri Mafi, Nawada Road, Mohkampur, near Gravity Gym, Dehradun, Uttarakhand.
12. Lalit Mohan Khatri, (male), aged about 46 years, S/o, Sh. K.S. Khatri, R/o Village Dandi, Near Shani Mandir, via Ranipokhari, Dehradun, Uttarakhand. District.
13. Sandeep Kumar Saini, (male), aged about 43 years, S/o, Late Sh. Jailpal Singh R/o H. No. 446, Purvavali Colony, Ganeshpur, Roorkee, Haridwar, Uttarakhand.
14. Sandeep Verma, (male), aged about 51 years, S/o Late Yashpal Singh Verma, R/o 177/6 Akashdeep Colony Ballupur Road, Dehradun, Uttarakhand.
15. Satyendra Singh Parmar, (male), aged about 46 years, S/o, Sh. Khemraj Singh, R/o Gyansu ward no. 03, Barahat Range, Uttarkashi, Uttarakhand.
16. Yogesh Tatrari, (male), aged about 47 years, S/o Late Sh. Narayan Dutt Tatrari, R/o Mula garh, Pitthoragarh, Satshilling, Uttarakhand.

.....Petitioners

vs.

1. State of Uttarakhand through Secretary, Public Works Department, Govt. of Uttarakhand, Dehradun.
2. Engineer in Chief, Public Works Department, Dehradun, Uttarakhand.
3. Head of the Department, Finance, Office of the Engineer in Chief, Dehradun.

.....Respondents

Present: Sri M.C. Pant, Sri Abhishek Chamoli &
Sri Abhishek Pant, Advocates, for the petitioners.
Sri V.P.Devrani, A.P.O., for Respondents.

JUDGMENT

DATED: APRIL 09, 2025.

Justice U.C.Dhyani (Oral)

By means of Claim Petition No. 101/DB/2023 , petitioner prays for the following reliefs:

“ i. To declare the petitioner as substantive and regular and grant the pay scale of Rs. 9300-34800 grade pay Rs. 4600 revised to Rs. 44900-142400 (Level-7) taking count of his ad-hoc services with all service intakes and benefits in terms of the Government Order dated 09.03.2019 or to mould the relief appropriately keeping in view that facts highlighted in body of the petition.

ii. To issue any other suitable order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

iii. To award the cost of the petition to the petitioner.”

2. Claim petition is supported by the affidavit of the petitioner. Relevant documents have been filed along with the petition.

3. In Claim Petition No. 106/DB/2023 , petitioners seek the following reliefs:

“ I. Issue order, rule, declaration or direction directing respondents to treat the entire length of ad-hoc services from their respective dates mentioned in paragraph no. 4.2 to 05.05.2017, as substantive and regular service and as well as qualifying service for the purpose of ACP/MACP, pension and other service intakes, in light of GO dated 09/03/2019 and to refix the pay of the petitioners and also to pay consequential benefits like arrears of pay and other benefits, or to mould the relief appropriately, keeping in mind the facts highlighted in the body of the petition.

II. To grant damages and the compensation for being subjected to illegal act by the respondents in tune of such amount which the Court may deem fit and proper in the circumstances of case in favour of the petitioner and same may be recovered from the erring officers.

III. To award the cost of petition.”

3. Claim petition is supported by the affidavit of the Petitioner No.1 Sri Vinod Kumar Raturi. Relevant documents have been filed along with the petition.

4. Claim Petitions have been contested on behalf of respondents. Sri Prem Singh Nabiyal, Senior Staff Officer, Office of Engineer-in-Chief, Public

Works Department, Uttarakhand, Dehradun has filed Counter Affidavits on behalf of Respondents in both the claim petitions. A document has also been enclosed with the C.A. filed in Claim Petition No. 101/DB/2023.

5. In claim petition No. 101/DB/2023, an application for taking certain documents on record was filed by the petitioner along with an affidavit. Such documents were taken on record.

6. Since common questions of law and facts are involved in these claim petitions, hence, they are heard together and are being decided by a common judgment and order for the sake of brevity and convenience.

7. Today, Sri M.C.Pant, Ld. Counsel for the petitioners, placed a copy of the Govt. Order dated 06.02.2025 on record, to submit that G.O. dated 09.03.2019 has been clarified in G.O. dated 06.02.2025, as follows:

It is clear from the above that the time scale that the service period prescribed for admissibility of benefits under Pay Scale/ACP/MACP should be calculated from the date of regular appointment of the concerned employee. In this, the services rendered on contractual, daily wage, fixed salary, seasonal, ad-hoc basis will not be taken into consideration. After regular appointment on any permanent/temporary created post, if any employee is appointed on higher post or equivalent post as substitute, ad-hoc, in-charge arrangement, then in such a case the services of the said period will be taken into consideration. That is, the continuous services rendered in ad-hoc, in-charge or officiating capacity between two regular appointments will be taken into consideration Will be taken into calculation for existing scale/ACP/MACP.

It is clear from the above that the service period prescribed for admissibility of benefits under Time Scale Pay Scale ACP/MACP should be calculated from the date of regular appointment of the concerned employee. In this, the services rendered on contractual, daily wage, fixed salary, work-charged,

seasonal, ad-hoc basis will not be taken into account. After regular appointment on a permanent/temporary created post, if any employee is appointed on a higher post or equivalent post as substitute, ad-hoc, in-charge arrangement, then in such a case, the services of the said period will be taken into account in relation to the original post, i.e., the continuous services rendered as ad-hoc, in-charge or officiating between two regular appointments will be taken into account for Time Scale Pay Scale/ACP/MACP.

In addition to the above, ad-hoc recruitment for higher post or in the event of promotion to the same post while working in the pay scale of a higher post in an officiating capacity, the continuous services rendered in an ad-hoc or officiating capacity in view of continuing to work in the same pay scale/grade pay/pay level will also be taken into account for time scale pay/ACP/MACP relative to the higher post.

8. The controversy involved in present claim petitions is covered by the latest G.O. dated 06.02.2025, which has clarified earlier G.O. dated 09.03.2019 on the same subject matter.

9. Both the claim petitions are, accordingly, disposed of in terms of G.O. dated 06.02.2025, with all consequential service benefits. Respondent department is directed to implement the G.O. dated 06.02.2025 in respect of the petitioners, as expeditiously as possible and without unreasonable delay, preferably within 12 weeks of presentation of certified copy of this order along with copy of the relevant G.O. No order as to costs.

(CAPT. ALOK SHEKHAR TIWARI)
MEMBER (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: APRIL 09, 2025.
DEHRADUN