

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

CLAIM PETITION NO. 59/SB/2024

Smt. Beena Rajwar, age 52 years, w/o Late Sri Balbir Singh Rajwar, r/o
Village-Neri, P.O. Dharasu/ Badethi, District- Uttarkashi.

.....Petitioner.

vs.

1. The Secretary Finance, Govt. of Uttarakhand, Dehradun.
2. The Director Pension & Entitlement, Govt. of Uttarakhand, Dehradun.
3. The District Magistrate, District- Tehri Garhwal.
4. The Tehsildar, Pratapnagar, District- Tehri Garhwal.
5. The Chief Treasury Officer, District- Tehri Garhwal, New Tehri.

.....Respondents.

Present: Sri S.K.Jain & Sri Uttam Singh, Advocates,
for the petitioner.
Sri V.P.Devrani, A.P.O., for Respondent No.1.

JUDGMENT

DATED: JUNE 27, 2024

Justice U.C.Dhyani (Oral)

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

“1) To direct the respondent to pay the arrears accrued on account of
refixation of pay due to sanction of first ACP from 09-11- 2010 to 11-07-
2012(date of death).

II) To direct the respondent to release the revised Family Pension from
12-07-2012 on account of refixation of pay due to sanction of ACP benefit
and further pay the arrears.

III) To direct the respondent to pay the difference of the gratuity, leave encashment due to sanction of ACP benefit.

IV] To direct the respondent to pay interest @ 12% on the dues amount.

V) Any other relief, the Hon'ble Tribunal may deem fit in the circumstances of the case.

VI) Award the cost of the petition to the petitioner.”

2. The claim petition is supported by the affidavit of Smt. Beena Rajwar (Petitioner). Relevant documents have been filed along with the claim petition.

3. Petitioner is wife of Sri Balbir Singh Rajwar, who died during service on 11.07.2012. She, being the legal representative of the deceased, is entitled to file the claim petition. She has prayed for refixation of the pay of Late Sri Balbir Singh Rajwar under ACP from 09.11.2012, which has been sanctioned by the District Magistrate, Tehri Garhwal on 15.03.2022. She has also prayed for revising her family pension, on the basis of refixation of pay, pay the gratuity, leave encashment on the refixed pay and interest thereon. A copy of order dated 15.03.2022 issued by the District Magistrate, Tehri Garhwal has been filed with the claim petition as Annexure: A-1, which, *inter alia*, contains the substance of the orders passed by Hon'ble High Court of Uttarakhand in different writ petitions and contempt petitions.

4. Sri Uttam Singh, Ld. Counsel for the petitioner submitted that no fresh orders are required to be passed, except to implement order dated 15.03.2022 (Annexure: A-1) issued by District Magistrate, Tehri Garhwal, Respondent No.3.

5. Ld. A.P.O. submitted that the order is to be implemented jointly by District Magistrate, Tehri Garhwal (Respondent No.3) and Chief Treasury Officer, Tehri Garhwal (Respondent No.5).

6. A direction can, therefore, be given to Respondents No.3 and 5 to implement the office order dated 15.03.2022 (Annexure: A-1), without calling upon the respondents to file Counter Affidavit. The Tribunal proceeds on the

basis of 'admitted case' of the respondent department. No useful purpose would be served by keeping the claim petition pending. It should be disposed of at the admission stage.

7. The claim petition is disposed of, at the admission stage, by directing District Magistrate, Tehri Garhwal, Respondent No.3 and Chief Treasury Officer, Tehri Garhwal, Respondent No.5 to implement the office order dated 15.03.2022 (Annexure: A-1), issued by Respondent No.3, at the earliest, without unreasonable delay. No order as to costs.

8. Petitioner is directed to serve copies of the judgment/order upon Respondents No. 3 & 5 by registered post acknowledgement due.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JUNE 27,2024
DEHRADUN

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