

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

CLAIM PETITION NO. 177/SB/2023

1. Bhikam Singh s/o Sh. Manua Ram, Presently Posted as Principal GIC Sikanderpur Bhainswal Haridwar.
2. Anoop Singh Pundir, s/o Sh. Krit Singh, Posted as Principal GIC R.G.N.V Haridwar.
3. Shibu Lal Arya s/o SH. Etwaru Lal, Presently Posted Principal GIC Maniguh, Rudraprayag.
4. Dr. Prem Singh s/o Sh. Bhullan Singh, Presently Posted as Principal GIC Niranjapur, Haridwar.
5. Chhotey Lal Verma S/o Sh. Duiddhi Lal, Presently Posted as Principal GIC Jassowala, Dehradun.
6. Saheblal S/o Sh. Pancham Dhiman, Presently Posted as Principal GIC Basuri, Rudraprayag.
7. Rambabu s/o Sh. Muli Chand, Presently Posted as Principal GIC Chabra, Dehradun.

.....Petitioners

Vs.

1. State of Uttarakhand through Secretary Education, Government of Uttarakhand, State Secretariat, Subhash Road Dehradun.
2. Director, Secondary Education, Nanoorkheda, Tapovan, Dehradun.

..... Respondents

Present: Sri Abhishek Chamoli, Advocate, for the Petitioners
Sri V.P. Devrani, A.P.O., for the Respondents

JUDGEMENT

DATED: 18TH OCTOBER, 2023

Justice U.C. Dhyani (Oral)

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

“i. To pass an order or direction directing the respondent to grant the benefit of ACP/MACP/Selection/Promotional Grade to the petitioners

as per the prevailing G.O. dated 09/02/2010 and Office memorandum dated 17/02/2017 and also in the light of Judgement in W.P.(C) 9266/2015 dated 09/may/ 2016 of Govt. of Delhi & Ors. Vs. S.K. Saraswat & Ors., Hon'ble Delhi High Court which was affirmed by the Hon'ble Apex Court regarding ACP / MACP Grade after calling the entire record from the respondents keeping in view facts highlighted in para no.4.

ii. or to pass any other order or direction which this Hon'ble court may deem fit and proper in the circumstances of the case.

iii. Cost of the petition.”

2. At the very outset, learned Counsel for the petitioners submitted that the representation of the petitioners is pending for consideration before the respondents and a direction may kindly be given to decide the same at the earliest, in accordance with law.

3. Learned A.P.O. submitted that the ACP Scheme is not applicable to the Teachers. Instead, the Selection Grade/Promotional Pay Scale is applicable to them. Hence, the claim petition is misconceived. Learned A.P.O. has, however, no objection if a direction is given to the respondents to decide the pending representation of the petitioners, in accordance with law.

4. Innocuous prayer of learned Counsel for the petitioners is worth accepting.

5. Without prejudice to rival contentions, the claim petition is disposed of, at the admission stage, by directing the respondent no. 1 to decide representation of the petitioners by a reasoned and speaking order, in accordance with law, without unreasonable delay, preferably within 12 weeks of presentation of certified copy of this order along with fresh representation, and supporting documents. No order as to costs.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: 18TH OCTOBER, 2023
DEHRADUN
KNP