

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

CLAIM PETITION NO. 33/SB/2022

Ved Prakash Dhuliya, aged about 61 years s/o Sri J.P.Dhuliya, r/o Haridwar Bye Pass Road, Near Nirankari Satsang Bhawan, Kunj Vihar, Dehradun, District Dehradun.

.....Petitioner

vs.

1. The State of Uttarakhand through Secretary, Food & Civil Supplies Department, Dehradun.
2. Commissioner, Food & Civil Supplies Department, Dehradun.
3. Finance Controller, Food & Civil Supplies Department, Dehradun.

.....Respondents

Present: Sri Tarun Prakash Singh Takuli & Sri Sunil Kumar Jain, Advocates,
for the petitioner. (online)
Sri V.P. Devrani, A.P.O., for Respondent No.1.

JUDGMENT

DATED: MARCH 25, 2022

Justice U.C.Dhyani (Oral)

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

“(i) Be pleased to direct the respondents to correct the pay anomaly of the petitioner and further the order dated 24.02.2010, by which the petitioner has been granted the first ACP/ First Promotional Pay Scale of Rs.5000-150-8000/- from 01.03.2001 and the second Financial Upgradation of grade pay of Rs.4600.00/- was sanctioned from 01.09.2008, however as per the Government Order No. 3875/29-2-36/89 Food And Civil Supplies Section-2 Lucknow dated 23rd of August, 1989 and as per the G.O. No. 2079/29-2-95-36/89 T.C. food and Civil

Supplies Section-2 Lucknow dated 04th April, 1997, the revised pay scale of the stenographer i.e. the petitioner was 1400-2600 and subsequently vide G.O. No. P.Ma.Ni-356/Das-22(M)/97 finance (Post Measurement Fixation) Section dated 23.12.1997 by which the aforesaid pay was revised from 01.01.1996 as Rs.5000-8000/-, which was again revised vide G.O. No. 395/XXVII(7)/2008 Vitta (Ve.Aa.-Sa.Ni) Section-7 Dehradun dated 17.10.2008 by which the pay scale was revised from 01.01.2006 by which the pay scale of Rs.5000-8000/- was revised as Rs.9300-34800/- (Grade pay of Rs.4200/-) and the same was again revised/ amended as Rs.9300-34800/- (Grade Pay of Rs.4600/-) w.e.f. 14.09.2006 vide G.O. No. 88/15-XIX-2/39 Khadya/2013 Food and Civil Supplies Section-2 Dehradun dated 24.04.2015, which indicates that the petitioner is entitled to get the pay scale of Senior Market Inspector as Rs.1400-2600/- (from 01.01.1986 to 31.12.1995) and after 01.01.1996 to 31.12.2000 as Rs.5000-8000/-, which was subsequently Rs.9300-34800/- grade pay Rs.4200/- on 17.10.2008 with effect from 01.01.2006 and the same was revised as Rs.9300-34800/- grade pay of Rs.4600/- vide G.O. No. 88/15-XIX-2/39 Khadya/2013 Food and Civil Supplies Section-2 Dehradun dated 24.04.2015, hence the petitioner was getting the pay scale of Senior Marketing Inspector from 01.01.1986 to 01.01.2001 and from 01.01.2001 after completing 14 years of service the promotional post of Senior marketing Inspector was Deputy Regional Marketing Officer (Rs. 2000-32000/-), which was revised on 23.12.1997 as Rs.6500-10500/- from 01.01.1996, which was again revised on 17.10.2008 as Rs.9300-34800/- (Grade Pay of Rs.4200/-) but the petitioner was already getting the grade pay of Rs.4200/- from 01.01.1986 (as amended from time to time), the promotional grade pay of Rs.4600/- on the pay scale of Rs.9300-34800/- and the same was revised from 24.04.2015 as Rs.15600-39100/- (Grade Pay of Rs.5400/-), hence the petitioner is entitled for promotional pay scale of Rs.6500-10500/- till 31.12.2005 and after 01.01.2006 to 14.09.2006 Rs. 9300-34800/- (Grade Pay of Rs.4600/-) and after 14.09.2006 to 31.12.2006, Rs.15600-39100/- (Grade Pay of Rs.5400/-) and on 01.01.2007, the petitioner is entitled for 2nd ACP i.e. after completion of 20 years i.e. the next promotional pay scale of Rs.15600-39100 (Grade Pay of Rs.6600/-) as the same was revised from 24.04.2015 which is of Regional Marketing Officer and after completion of 26 years of service i.e. from 01.01.2013, the

petitioner was entitled for pay scale of Chief Marketing Officer i.e. pay scale of Rs.15600-39100/- (Grade Pay of Rs.8700/-) till his retirement i.e. till 31.05.2021 and after the aforesaid correction, the actual financial benefits including the pensionary benefits (after recalculation) along with 12% annual interest may be given to the petitioner, else the petitioner shall suffer irreparable loss and injury and the same cannot be compensated by any means.

(ii) To award the cost of the petition in favour of the petitioner.”

2. At the very outset Ld. A.P.O. objected to the maintainability of the claim petition, *inter alia*, on the ground that the same is barred by limitation in view of Section 5(1)(b)(i) of the Uttar Pradesh Public Services(Tribunal) Act, 1976(as applicable to Uttarakhand).
3. According to Ld. A.P.O., the petitioner has sought 1st financial upgradation of grade pay from 01.03.2001, 2nd financial upgradation from 01.09.2008 and 3rd financial upgradation from 20.04.2015. Petitioner has also prayed that 3rd ACP grade pay of Rs.4600/-, which has been upgraded to Rs.5400/-, be given to him *w.e.f.* 24.04.2015. According to Ld. A.P.O., the petitioner seeks other reliefs also, which too are barred by limitation.
4. Ld. Counsel for the petitioner has filed delay condonation application for condoning the delay in filing the present claim petition. Ld. A.P.O. submitted that since there is no provision in the Uttar Pradesh Public Services(Tribunal) Act, 1976 (as applicable to Uttarakhand) to condone the delay, therefore, delay condonation application is liable to be rejected.
5. Sri T.P.S. Takuli and Sri S.K.Jain, Ld. Counsel for the petitioner submitted that the limitation is for the Tribunal/ Court and not for the Government. Ld. Counsel for the petitioner, therefore, make an innocuous prayer that a direction be given to Respondent No.2 to decide the pending representation (dated 11.03.2021) of the petitioner, which has been brought on record as Annexure: A-8, by a reasoned and speaking order, within the stipulated time, in accordance with law, to which Ld. A.P.O. has no objection.

6. The claim petition is disposed of at the admission stage, with the consent of Ld. Counsel for the parties, by making a request to the Respondent No.2 to decide the pending representation dated 11.03.2021(Annexure: A-8) of the petitioner, by a reasoned and speaking order, in accordance with law, at an earliest possible and without unreasonable delay.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: MARCH 25,2022
DEHRADUN

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