

**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. 111/DB/2021**

Rakesh Semwal s/o Sri Medani Dhar, aged about 51 years, r/o Miyanwala,  
Canal Road, Vishnu Puram, Harrawala, Dehradun, Uttarakhand

.....Petitioner

**vs.**

1. The Secretary, Dharmaswa Department, Govt. of Uttarakhand.
2. The Chief Executive Officer, Char Dham Devasthanam Board, Lane No. 7, Rajpur Road, Dehradun.
3. Shri Jagat Singh Chauhan, presently posted as Finance Controller, Char Dham Devasthanam Board, Lane No. 7, Rajpur Road, Dehradun.

.....Respondents

Present: Dr. N.K.Pant, Advocate, for the petitioner.  
Sri V.P.Devrani, A.P.O., for respondents.

**JUDGMENT**

**DATED: NOVEMBER 09, 2021**

**Justice U.C.Dhyani (Oral)**

**RELIEFS PRAYED FOR**

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

“(i). Issue an order or direction calling for the record and directing the respondents no. 2 & 3 to comply the direction passed by the respondent no.1 on dated 01.09.2021 and 04.10.2021.

(ii) Issue an order or direction calling for the record and to direct the respondent to pay all consequential benefits with interest.

(iii) Issue any suitable claim, order or direction which this Hon’ble Tribunal may deem fit and proper in the circumstances of the case.

(iv) Award the cost of the claim petition in favour of the petitioner.”

## **PETITIONER’S VERSION**

2. Petitioner was appointed as a Manager in the Char Dham Vikas Parishad, Dharmaswa/ Cultural Department on 29.12.1997, in the pay scale of Rs.975-1650/-. The pay scale of the said post was upgraded from time to time. Petitioner was granted first ACP as grade pay of Rs.4600/- from 01.09.2008 and second ACP as grade pay Rs.4800/- from 01.01.2014, in the light of GO dated 08.03.2011 of the Finance Department. In 2<sup>nd</sup> para of the G.O. dated 06.11.2013 of Finance Department, there is a provision that, where a post of promotion is available, in such cases the grade pay of promotional post will be admissible to the employee. The petitioner was included in the publicity service cadre by the Temple Committee and the first post was OSD, Public Relations, available for promotion in the cadre. The 1<sup>st</sup> ACP of grade pay of Rs.4800/- was upgraded to Rs.5400/-. but the petitioner has not been granted the benefit of upgraded grade pay.

## **PRAAYER RESTRICTED**

3. At the very outset, Ld. Counsel for the petitioner confined his prayer only to the extent that a direction be given to the respondent no.3 to decide the representation of the petitioner at an earliest possible, in accordance with law, to which Ld. A.P.O. has no objection.

## **ORDER**

4. Without prejudice to rival contentions, the claim petition is disposed of at the admission stage by directing Respondent No.3 to decide the representation of the petitioner by a reasoned and speaking

order, in accordance with law, at an earliest possible, and without unreasonable delay on presentation of the certified copy of this order, along with (fresh) representation.

5. Needless to say that the decision so taken be communicated to the petitioner soon thereafter.
6. It is made clear that the Tribunal has not expressed any opinion on the merits of the claim petition.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN

*DATE: NOVEMBER 09, 2021*  
*DEHRADUN*

*VM*