

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

**Writ Petition No. 419 (S/B) of 2015  
[Reclassified and Renumbered as Claim Petition No. 173/SB/2023]**

Rajendra Singh Rawat, s/o Sri Jagat Singh Rawat, presently posted as Deputy Director, Elementary Education Directorate, Dehradun.

.....Petitioner

versus

1. State of Uttarakhand through Secretary, School Education, Uttarakhand Government, Dehradun.
2. Principal Secretary, Finance, Uttarakhand Government, Dehradun.
3. Director General, School Education, Uttarakhand, Dehradun.

..... Respondents

Present : Sri K.P. Upadhyaya, Senior Advocate, assisted by Sri Hemant Pant, Advocate, for the Petitioner (*online*)  
Sri V.P. Devrani, A.P.O., for the Respondents

**JUDGEMENT**

**Dated: 16<sup>th</sup> October, 2023**

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

Hon'ble High Court of Uttarakhand has been pleased to pass an order on 19.09.2023 in WPSB No. 419 of 2015, Rajendra Singh Rawat vs. State of Uttarakhand and others, which (order) reads as under:

“Mr. K.P. Upadhyaya, Senior Advocate assisted by Mr. Hemant Pant, Advocate for the petitioners.

2. Mr. K.N. Joshi, Deputy Advocate for the State.

3. Petitioners are public servants, as defined under the Uttar Pradesh Public Services (Tribunal) Act, 1976. In the present writ

petition, they have claimed benefit of Assured Career Progression Scheme which can also be granted by the Tribunal established under the said Act.

4. Accordingly, the present writ petition is disposed of with a request to the Tribunal constituted under the Act to hear and decide the claim petition of petitioners expeditiously.

5. Registry is directed to transmit the record of the case to the Tribunal.”

2. The original record of the writ petition has been transferred to this Tribunal *vide* letter no. 16869/U.H.C./WPSB Section/PST/ Nainital dated 29.09.2023 of the Deputy Registrar (Judicial) of the Hon’ble High Court. The same has been registered as claim petition no. 173/SB/2023.

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

“(i) Issue a writ, order or direction in the nature of mandamus directing the respondents to grant to the petitioner the benefit of 1st financial upgradation under the ACP scheme w.e.f. 31.12.2010 on completion of 10 years on a single post and also to release the arrears of salary with interest.

(ii) Issue a writ, order or direction in the nature of certiorari calling for the records and quashing the annexure-01 Government Order dated 07th July, 2014 whereby and under the petitioner has been ordered to be treated as substantively appointed Block Education Officer or equivalent thereto in the lower pay scale of Rs. 15600- 39100 with grade pay of Rs. 6600/-.

(iii) Hold and declare that the State Government's decision to absorb/substantively appoint the petitioner on a lower post. carrying a lower pay scale is unsustainable in the eye of law.

(iv) Issue any other appropriate writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the present case.

(v) Award costs in favour of the petitioner.”

4. It is the submission of Sri K.P. Upadhyaya, learned Senior Counsel for the petitioner that a decision has been given by the Tribunal on 29.08.2023 in claim petition no. 157/NB/DB/2022, Vijay Pal Singh and others vs. State of Uttarakhand and others, and present petition is covered by the said decision. Learned Senior Counsel, therefore, requests that present petition may be disposed of in terms of claim petition no. 157/NB/DB/2022.

5. In reply, learned A.P.O. submitted that subject matter of present petition is covered by the decision rendered by the Tribunal on 29.08.2023 in claim petition no. 157/NB/DB/2022, Vijay Pal Singh and others vs. State of Uttarakhand and others, therefore, present petition be disposed of in terms of claim petition no. 157/NB/DB/2022.

6. Learned Counsel for the parties submitted that present petition may be disposed of by Single Bench of the Tribunal, inasmuch as the subject matter of present petition is not covered by the Schedule appended to the U.P. Public Services (Tribunal) Act, 1976 (as applicable to the State of Uttarakhand).

7. Present petition is, accordingly, disposed of in terms of the decision rendered by this Tribunal on 29.08.2023 in claim petition no. 157/NB/DB/2022, Vijay Pal Singh and others vs. State of Uttarakhand and others.

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

*DATE: 16<sup>th</sup> October, 2023*  
*DEHRADUN*  
*RS*