

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

**CLAIM PETITION NO. 108/SB/2021**

Gajendra Singh Rawat, s/o Sri Ummed Singh Rawat, r/o House  
No. 784, Sarvpriya Vihar, Dadu Bagh, Kankhal, District Haridwar.

.....Petitioner

versus

1. State of Uttarakhand through Secretary, Sanskrit Education,  
Government of Uttarakhand, Dehradun.
2. Director, Sanskrit Education, Directorate Sanskrit Education,  
Dehradun.
3. Chief Education Officer, Haridwar.
4. Sri Bharti Sanskrit Vidyalaya, Sanyas Marg, Kankhal, Haridwar.

..... Respondents

Present: Sri K.K. Verma, Advocate, for the Petitioner (online)  
Sri V.P. Devrani, A.P.O., for the Respondent No. 1  
Sri Bhagwan Jha, Principal, Sri Bharti Sanskrit Vidyalaya  
along with Sri S.K. Pal, Advocate, for Respondent No. 4

**JUDGEMENT**

**Dated: 04<sup>th</sup>March, 2022**

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

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

“(i) ..... this Hon'ble Tribunal may  
graciously be pleased to direct the respondents to pay the  
withheld salary of petitioner from 02.03.2012 to June, 2013  
(sixteen months),

- (ii) To pay the arrears of grade pay w.e.f. 24.03.2011 and annual increment of year 2012 and 2013,
- (iii) To grant the benefit of ACP on completion of 10 years of service along with all consequential benefits,
- (iv) Any other order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

2. Brief facts, giving rise to present claim petition, are as follows:

2.1 The petitioner was appointed on 28.10.2006, as peon, in Sri Bharti Sanskrit Vidyalaya, Haridwar (respondent no. 4). Initially, respondent-institution was unaided, but subsequently, it was taken in grant-in-aid. *Vide* order dated 09.12.2010, services of petitioner were absorbed against the vacant and substantive post.

2.2 Orders impugned (dated 04.12.2012 and 05.12.2012) in the Writ Petition (SS) No. 1816/12 and connected writ petitions were quashed and set aside. Order dated 17.05.2017, passed by Hon'ble High Court in Writ Petition (SS) No. 1816/12, *inter alia*, reads as under:

"..... Respondents are also directed to pay the due and admissible salary to the petitioners within a period of 10 weeks from today....."

2.3 In compliance of the order passed by the Hon'ble Court, the State Govt., *vide* order dated 01.08.2017 directed Director, Sanskrit Education Department (respondent no. 2) to make payment of remaining salary and increment to the petitioner but, according to the petitioner, even after the order dated 17.02.2012, respondent no. 3 withheld the salary of the claim petitioner from March, 2012 onwards (Copy Annexure: A3). Orders dated 17.02.2012 and 01.08.2017 have been brought on record as Annexure: A3 *colly* to the claim petition. The Chief Education Officer, Haridwar, *vide* order dated

11.06.2013, directed the respondent no. 4 to make payment of the remaining salary of the petitioner (Copy Annexure: A4).

2.4 Chief Education Officer, *vide* orders dated 24.09.2013, 27.03.2014, 28.04.2014, 19.05.2014, 12.08.2014, 16.12.2015, 16.11.2016, 29.04.2017, 05.12.2017, 26.05.2018 and 11.09.2018, directed respondent no. 4 to make payment of remaining salary and other admissible dues to the petitioner. Copies of such letters have been brought on record as Annexure: A5 *colly* to the claim petition. Respondent No. 2, *vide* orders dated, 28.10.2015, 07.03.2017 and 29.03.2019, directed the respondent no. 4 to make payment of remaining salary and other dues of the petitioner (Copies Annexure: A6 *colly*). Even after such communications, the respondents have not paid the salary from 02.03.2012 to June, 2013 (sixteen months), arrears of grade pay *w.e.f.* 24.03.2011, annual increment of year 2012 and 2013 and have also not granted the benefit of ACP on completion of 10 years of service.

2.5 The petitioner moved a representation on 09.01.2021 to respondent no.4 (Copy Annexure: A7), but no action has been taken on the same. The petitioner is legally entitled to get the admissible salary and dues. Letter dated 11.06.2013, issued by Chief Education Officer, Haridwar (Copy Annexure: A4), addressed to respondent no. 4 and letter dated 29.03.2019, written by Assistant Director, respondent no. 2, addressed to respondent no. 4 speak in volumes against the inaction of respondent no. 4 for non-payment of admissible dues of the petitioner.

2.6 It may be noted here that order dated 17.05.2017, passed by Hon'ble High Courtin WPSS Nos 1816/12 and connected writ petitions, has since attained finality, therefore, the same was to be complied with by respondent no. 4. The same has, admittedly, not been done so far.

3. Sri Bhagwan Jha, Principal, Sri Bharti Sanskrit Vidyalaya, Haridwar and Sri S.K. Pal, learned Counsel for respondent no. 4 fairly conceded that the admissible salary and dues of the petitioner ought to have been paid by respondent no. 4 to the petitioner, which have not been paid. Learned Counsel for the respondent no. 4 also stated that suitable decision on grant of ACP shall be taken by his client, as per rules, after affording an opportunity of personal hearing to the petitioner.

4. Principal of the College, as also learned Counsel for the respondent no. 4, therefore, submitted that admissible salary and dues of the petitioner shall be paid to him within 10 weeks from today. Learned Counsel for the petitioner has no objection to the same. Sri V.P. Devrani, learned A.P.O., submitted that respondent no. 1 is only a formal party and admissible salary and dues of the petitioner are to be paid by respondent no. 4 only.

5. The Tribunal records the aforesaid statement of learned Counsel for the respondent no. 4. The claim petition is, accordingly, disposed of with the consent of learned Counsel for the parties. No order as to costs.

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

*DATE: 04<sup>th</sup> March, 2022*  
*DEHRADUN*  
*RS*