

**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. 137/DB/2022

Smt. Izhar Fatima, aged about 65 years, w/o Late Sri Iliyal Ahmed, r/o A-16,
H.I.G. Tower, Jasola Heights, Pocket 9, Delhi.

.....Petitioner

VS.

1. State of Uttarakhand through Secretary, Education, Secretariat, Govt. of Uttarakhand, Dehradun.
2. Director, Primary Education, Nanoor Kheda, Dehradun.
3. District Education Officer, Primary Education, Uttarakashi.

....Respondents.

Present: Dr. N.K.Pant, Advocate, for the petitioner
Sri V.P.Devrani, A.P.O., for the Respondent No.1.

JUDGMENT

DATED: NOVEMBER 07, 2022

Justice U.C.Dhyani (Oral)

By means of present claim petition, the petitioner seeks to set aside the order whereby her services were terminated. Petitioner also seeks direction to the respondents to take appropriate decision on her application for voluntary retirement. Petitioner also prays for a direction to the respondents to pay her retiral dues along with interest.

2. Ld. Counsel for the petitioner submitted that the petitioner was posted as Assistant Teacher, Urdu, in District Uttarkashi. She moved an application for voluntary retirement in the year 2016, as she was not keeping

well in remote hill district. No decision has been taken by the respondent department on the application for voluntary retirement. When the petitioner sought information under the Right to Information Act, 2005, she came to know that her services have been dispensed with *vide* order dated 13.02.2015, which (order) is contrary to law. Petitioner has moved representations from time to time to the respondent department regarding her retiral benefits, but no action has been taken on the same. Feeling aggrieved, the petitioner has moved present claim petition.

3. 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.

4. After arguing the claim petition at some length, Ld. Counsel for the petitioner confined his prayer only to the extent that a direction be given to the respondents to decide the representation of the petitioner, in accordance with law. Ld. A.P.O. has no objection to such innocuous prayer of Ld. Counsel for the petitioner.

5. Without prejudice to rival contentions, the claim petition is disposed of at the admission stage by directing respondents to consider petitioner's representation, by a reasoned and speaking order, in accordance with law, without unreasonable delay, on presentation of certified copy of this order, along with fresh representation enclosing the documents in support thereof.

6. Needless to say that the decision so taken shall be communicated to the petitioner soon thereafter.

7. 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 07, 2022
DEHRADUN