

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
DEHRADUN**

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO. 71/SB/2021

Jagjeet Singh, aged about 63 years, s/o Late Sri Aroor Singh, employed as Police Inspector (retired), r/o B-430 Basant Kunj Enclave, New Delhi.

.....Petitioner

vs.

1. State of Uttarakhand through Secretary, Home, Govt. of Uttarakhand, Dehradun, District Dehradun.
2. Director General of Police, State of Uttarakhand, Subhash Road, Dehradun, Uttarakhand.
3. Senior Superintendent of Police, Dehradun, Uttarakhand.

.....Respondents

Present: Sri Jagjeet Singh, Petitioner (Online)

Sri V.P.Devrani, A.P.O., for Respondents.

JUDGMENT

DATED: OCTOBER 22, 2021

Justice U.C.Dhyani (Oral)

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

(a) *Quash the impugned order dated 22.02.2018 passed by the respondent no. 03 (Annexure: A1).*

(b) *Quash the impugned PPO dated 26th November 2019 (Annexure: A2).*

(c) *Issue the directions commanding the respondents to pay of arrears of pay so fixed.*

(d) *Issue the directions commanding the respondents to revise the pay of the petitioner at Rs. 93,800/- and based on pay so fixed recalculate the to the entire retiral benefits and make the difference of due and already paid within a period of two months.*

(e) *Issue any order which this Hon'ble Tribunal may deem fit and proper in the light of facts and circumstances of the present case.*

(f) *Award Costs.*

2. The petitioner is a retired Police Inspector, who attained the age of superannuation on 28.02.2018. It is the submission of the petitioner that his basic salary was wrongly fixed at Rs. 88400.00 on 01.01.2018 and accordingly, the reitral benefits of the petitioner were also calculated on the basis of such wrong fixation of pay. Petitioner also submitted that the salary of his colleagues, who were recruited and retired with him, was fixed at Rs. 93800.00 on 01.01.2018.

3. Aggrieved with his wrong fixation of pay, the petitioner submitted his representation on 30.08.2018 to S.S.P., Dehradun. In his representation, the petitioner enclosed annual salary statement of one Sri Umesh Chandra Tiwari, who was recruited along with the petitioner and was also promoted to the post of Police Inspector on the same date (on which petitioner was promoted). Sri Tiwari's pay has been fixed at Rs. 93800.00 on 01.01.2018. S.S.P., Dehradun after considering the representation dated 30.08.2018, revised the pay fixation of the petitioner and accordingly, revised PPO dated 26.11.2019 was issued, but in the said PPO, the pay of the petitioner was revised at Rs. 91,100.00 as on 01.01.2018 in place of Rs. 93,800.00.

4. Petitioner submitted another representation dated 02.03.2019 to Respondent No. 3, S.S.P., Dehradun, to revise the pay of the petitioner at Rs. 93,800.00 *w.e.f.* 01.01.2018 (Copy of representation Annexure: A6). In response to the representation, the respondent increased the basic pay of the petitioner to one stage above by increasing one increment but still the petitioner is entitled to a basic pay of Rs. 93800.00 instead of Rs. 91,100.00, which is one stage below than the actual.

5. Petitioner, therefore, prays for his actual legal entitlements and an early decision. C.A/W.S. is yet to be filed by the respondents.

6. Petitioner prayed that unless the Hon'ble Tribunal directs, the Respondent no. 3 will not even decide his representation, which he is willing to move on the basis of the facts mentioned in the claim petition.

7. Learned A.P.O. submitted that if a fresh representation is moved by the petitioner, Respondent no. 3 will decide the same in accordance with law.

8. Claim Petition is, therefore, disposed of by directing the Respondent no. 3 to decide the representation of the petitioner by a reasoned and speaking order, in accordance with law at an earliest possible, without unreasonable delay on production of certified copy of this order along with fresh representation. No order as to costs.

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

10. It is made clear that this Tribunal has not expressed any opinion on the merits of the claim petition.

11. Let this judgment be uploaded on the website of the Tribunal, during course of the day.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: OCTOBER 22, 2021
DEHRADUN
KNP