

**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. 23/DB/2023**

Sri Ramveer Singh Rathaur, aged about 61 years, s/o Late Sri Mulu Singh,  
r/o C-913, Rajendra nagar, Bareilly, Uttar Pradesh.

.....Petitioner

versus

1. State of Uttarakhand through Secretary, Public Works Department,  
Uttarakhand Government, Dehradun.
2. Principal Secretary, Public Works Department, Uttarakhand  
Government, Dehradun.
3. Chief Engineer, Public Works Department (Garhwal Region), Pauri,  
District- Pauri.

..... Respondents

Present: Sri Ganesh Kandpal, Advocate, for the Petitioner  
Sri V.P. Devrani, A.P.O. for the Respondents

**Judgement**

**Dated: 25<sup>th</sup> January, 2023**

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

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

“(i) Direct the respondent no. 2 to take a decision on the  
representation of the petitioner dated 27-5-2022 submitted by him

regarding benefit of ACP and refixation of the pension of the petitioner (Contained in Annexure No. 1 to this Claim petition).

(ii) To pass any other suitable order, which this Hon'ble Tribunal may deem fit and proper on the basis of the facts and circumstances of the case.

(iii) Award the cost of the petition to the petitioner."

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

2.1 Petitioner was an Assistant Engineer in the Public Works Department (P.W.D.). He retired on 30.07.2011. In the year 2010, a vigilance trap was laid. Petitioner was prosecuted. He was tried by Special Judge, Anti Corruption, Dehradun. He was exonerated of the charges under the Prevention and Corruption Act, 1988, which were leveled against him, *vide* judgement/ order dated 29.08.2019. Copy of the judgement rendered in Special Session Trial No. 84/2010 has been brought on record as Annexure: A7.

2.2 When the petitioner was facing prosecution and the trial was going on, Superintending Engineer, 6<sup>th</sup> Circle, P.W.D., wrote a letter to Chief Engineer, garhwal Division, P.W.D., Pauri, on 06.08.2011 (Annexure: A4). Superintending Engineer recommended the case of the petitioner for sanction of final upgradation.

2.3 When the petitioner was exonerated of the charges leveled against him in the criminal trial, he wrote a letter to Executive Engineer, Provincial Division, P.W.D., Uttarkashi, on 16.09.2019 (Annexure: A8) for releasing the retiral dues. Retiral dues, according to the learned Counsel for the petitioner, have been paid to the petitioner, but the benefit of ACP has not been given to him, in respect of which letter dated 06.08.2011 (Annexure: A4) was written.

3. Learned Counsel for the petitioner submitted that Additional Secretary to the Govt. in P.W.D. wrote a letter to Engineer-in-Chief on 21.07.2020 (Annexure: A10) for processing service related matter of the

petitioner, as per Rules. Chief Engineer, Establishment, wrote a letter to Chief Engineer, Regional Office, Pauri on 14.09.2020 (Annexure: A11) to provide the recommendation of the screening committee along with the chart for granting financial year upgradation to the petitioner. When nothing was done, the petitioner wrote a letter to Chief Engineer, Garhwal Division, P.W.D., Pauri on 28.08.2020 (Annexure: A12). Feeling aggrieved with the inaction on the part of P.W.D., the petitioner moved a representation to Principal Secretary, P.W.D. on 27.05.2022 (Annexure: A1), which representation is pending consideration of the Govt.

4. The innocuous prayer of the petitioner is that respondent no. 1 may kindly be directed to decide the pending representation of the petitioner at an earliest possible, in accordance with law, to which learned A.P.O. has no objection.

5. Claim petition is disposed of, at the admission stage, by directing respondent no. 1 to decide pending representation of the petitioner by a reasoned and speaking order, in accordance with law, at an earliest possible, preferably within a period of 12 weeks, on presentation of certified copy of this order along with a copy of representation and documents in support thereof. No order as to costs.

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

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

*DATE: 25<sup>th</sup> January, 2023*

*DEHRADUN*

*RS*