

**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. 13/DB/2022

1. Nathi Singh Kundra, s/o Sri Kishan Singh Kundra, aged about 62 years, Retd. Dy. Revenue Officer, Department of Irrigation, r/o Vivekanand Gram, Phase-I, Level-1, H.No. 117, Jogiwala, Dehradun, Uttarakhand.
2. Virendra Singh Rana, s/o Late Sri Jot Singh Rana, aged about 63 years, Retd. Dy. Revenue Officer, Department of Irrigation, r/o Saraswati Kunj, Sri Vishwanath Nagar, DSP Chowk, Badowala, Dehradun, Uttarakhand.
3. Rajendra Prasad Arora, s/o Sri Mahaveer Singh, aged about 66 years, Retd. Dy. Revenue Officer, Department of Irrigation, r/o C-11, Lane No. 2, Shrirampuram Colony, Kanwali Road, Dehradun, Uttarakhand.
4. Nagendra Prasad Pant, s/o Late Sunder Lal Pant, aged about 55 years, Dy. Revenue Officer, Department of Irrigation, r/o F-34, THDC Colony, Tehri Nagar, Ajabpur Kala, Dehradun, Uttarakhand

.....Petitioners

vs.

1. The State of Uttarakhand through Secretary, Irrigation Department, Govt. of Uttarakhand, Secretariat Subhash road, Dehradun.
2. Engineer-in-Chief and Head of the Department, Department of Irrigation, Uttarakhand, Dehradun.

.....Respondents

Present: Sri L.K.Maithani, Advocate, for the petitioners.
Sri V.P.Devrani, A.P.O., for respondents.

JUDGMENT

DATED: JANUARY 14, 2022

Justice U.C.Dhyani (Oral)

RELIEFS PRAYED FOR

By means of present claim petition, petitioners seek the following reliefs:

“(a). To issue an order or direction to the concerned respondent that the petitioners are eligible for the benefit of third ACP after completion of 26 years’ service from the date of appointment/ joining on the post of Seench Supervisor as the post of Seench Supervisor under the provisions of Time Scale/ ACP is the post of direct recruitment..

(b) To issue an order or direction to the concerned respondents to grant/ sanction the benefit of third ACP to the petitioners along with all consequential benefits of service.

(c) To issue any other suitable order or direction which this Hon’ble Tribunal may deem fit and proper in the circumstances of the case.

(iv) To award the cost of the petition to the petitioner.”

PETITIONERS’ VERSION

2. Petitioners are Deputy Revenue Officers in Irrigation Department of Uttarakhand. They joined their service as *Patroll Seenchpal* in the respondent department. Their contention is that they should be given the benefit of third ACP, on completion of 26 years of service. According to Ld. Counsel for the petitioners, benefit of third ACP has not been given to the petitioners. Hence present claim petition.

PRAYER RESTRICTED

3. At the very outset, Ld. Counsel for the petitioners confined his prayer only to the extent that a direction be given to the Respondent No.2 to decide the representation of the petitioners at an earliest possible, in accordance with law, to which Ld. A.P.O. has no objection with the *caveat* that the issue of limitation be left open, if the petitioners have any occasion to come to the Tribunal in second round of litigation.

ORDER

4. Without prejudice to rival contentions, the claim petition is disposed of at the admission stage by directing Respondent No.2 to

decide the representation of the petitioners by a reasoned and speaking order, in accordance with law, at an earliest possible, and without unreasonable delay on presentation of the certified copy of this order, along with (fresh) representation.

5. Needless to say that the decision so taken be communicated to the petitioners soon thereafter.
6. 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: JANUARY 14,2022
DEHRADUN

VM