

**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. 143/DB/2022

Sri Umesh Babu Mishra, aged about 61 years, s/o Late Sri Ram Babu Mishra, r/o A-106, Aditya Doon Shire, Sain Lok GSM Road, Dehradun, District Dehradun.

.....Petitioner

versus

1. State of Uttarakhand through Director, Ayurved and Unani Sewayein, Sahstradhara Road, Danda Lakhona, Government of Uttarakhand, Dehradun.
2. State of Uttarakhand through Secretary, Finance, Sachivalaya, Dehradun.
3. State of Uttarakhand through Director of Pension and Treasury, 23, Laxmi Road, Dalanwala, Dehradun.

..... Respondents

Present: Sri Umesh Babu Mishra, Petitioner (online)
Sri V.P. Devrani, A.P.O. for the Respondents

Judgement

Dated: 06th January, 2023

Justice U.C. Dhyani (Oral)

Hon'ble High Court of Uttarakhand has been pleased to pass an order on 29.09.2022 in WPSB No. 226 of 2019, Umesh Babu Mishra vs. State of Uttarakhand and others, which (order) reads as under:

"Mr. Anil Bisht, learned Addl. C.S.C. for the State.

The petitioner has preferred the present writ petition for the following reliefs:-

"i) issue a writ, order or direction in the nature of mandamus commanding the respondents to release the annual increment that has become due to the petitioner from 01-07-2017 to 30-06-2018 and grant him all consequential benefits including the pensionary benefits on the basis of the increment by treating the petitioner's date of retirement as 01-07-2018 and also considering the representation of the petitioner dated 01-03-2019.

ii) issue a writ, order or direction in the nature of mandamus commanding the respondents to give interest on the increment amount which was upheld by the respondents."

The petitioner is a public servant. The Uttarakhand Public Service Tribunal has the jurisdiction to deal with the issue raised in this writ petition.

Considering the fact that the petition is pending since 2019, we direct the Registry to transfer the complete records of the case to the Tribunal, which shall be registered as a claim petition and be dealt with by the Tribunal, in accordance with law.

We request the Tribunal to endeavor to dispose of the petition at an early date, considering that the writ-petition is pending since 2019.

This petition stands disposed of."

2. The original record of the writ petition has been transferred to this Tribunal vide Letter No. 14773/UHC/Service (S/B) 2022 dated 17.10.2022 of the Deputy Registrar (Judicial) of the Hon'ble High Court. The same has been registered as Claim Petition No. 143/DB/2022.

3. Petitioner is aggrieved by denial of annual increment, only on the ground that the petitioner stood retired on the date on which increment fell due.

3.1 Petitioner's date of birth is 01.07.1958 and has retired on 30.06.2018 after superannuation.

3.2 Petitioner moved a representation along with a copy of judgment rendered by Hon'ble High Court of Judicature at Madras, in W.P. No. 15732 of 2017, P. Ayyamperumal vs. The Registrar, Central

Administrative Tribunal and others, on 15.09.2017, in support of his contention.

4. Two separate counter affidavits have been filed on behalf of respondents no. 1 and 3. A copy of letter dated 24.04.2019 (Annexure: CA1) written by the Director, *Ayurvedic evam Unani Sewayein*, which has been addressed to the petitioner, has been filed. In such letter, the petitioner was informed that guidance has been sought from the Govt. in his matter and necessary action will be taken, no sooner the Directorate gets appropriate direction from the Govt./ Directorate of Pension.

5. At the stage of dictation, petitioner prayed that a direction be given to the Govt. in the Ayurvedic and Unani department to take a decision on the reference made to it by the Director, *Ayurvedic evam Unani Sewayein*, at the earliest.

6. Learned A.P.O. has no objection if a direction is given by this Tribunal to the respondent-State to take a decision on the reference made to it by the Director, *Ayurvedic evam Unani Sewayein*, as per law.

7. The claim petition is disposed of by directing Secretary, Ayurvedic and Unani department, Govt. of Uttarakhand, to take a reasoned decision on the reference of Director, *Ayurvedic evam Unani Sewayein* without unreasonable delay, in accordance with law, preferably within 8 weeks of presentation of certified copy of this order. No order as to costs.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: 06th January, 2023
DEHRADUN
RS