

**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. 27/DB/2020**

1. Umesh Kumar (Male) aged about 65 years, s/o Late Sri Ram Bahadur Saxena, r/o House No. 31/6, 11 Subhash Road, Dehradun.
2. A.K.Dinkar (Male) aged about 60 years, s/o Sri Bharat Singh, r/o 309-B, Rajpur Road, Dehradun.
3. Ajay Verma (Male), aged about 62 years, s/o Late Sri B.C. Verma, r/o 258/205, Street-1, Rajendra Nagar, Dehradun.
4. Rishi Ram Bhatt (Male), aged about 63 years s/o Late Sri G.R. Bhatt, r/o 30/9-A, Rajpur Road, Dehradun.
5. V.K.Pant (Male) aged about 62 years, s/o Late Sri S.N.Pant, r/o B- 304, Alaknanda Apartment, 51, Rajpur Road, Dehradun.
6. Dinesh Chandra Singh (Male), aged about 62 years, s/o B.S. Khetwal, Rt. Chief Engineer Level-II, Irrigation Office, Haldwani, Nainital, r/o Birds Eye View, Tallital Nainital.

.....Petitioners

**vs.**

1. State of Uttarakhand through its Principal Secretary/ Secretary. Irrigation Department, Dehradun..
2. Sri Vinod Kumar Tamta, r/o 205 Rajeshwar Nagar, Phase-2, Lane-17, Sahastradhara Road, Dehradun.

.....Respondents

Present: Sri J.P.Kansal, Advocate, for the petitioners

Sri V.P. Devrani, A.P.O. for the Respondent No.1.

Sri Bhagwat Mehra, Advocate, for Respondent No.2. (online)

**JUDGMENT****DATED: MAY 22, 2023.****Justice U.C. Dhyani (Oral)**

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

- “i. Issue an order or direction, declare the act of the respondent by not allowing the benefit of selection grade to the petitioners in the pay scale of Rs.14300-400-18300 revised pay Scale of Rs. 37000-67000 Grade Pay Rs.8700/- w.e.f. the date when the same was given to their junior Shri V.K. Tamta as arbitrary, malafide, unjust and discriminating and further to command the respondent to allow the benefit of a selection grade as mentioned above w.e.f. 24.02.2004, the date when the same was given to their junior Shri V.K. Tamta and to refix their pay and arrears of service period as well as pension and other retiral dues along with arrears and consequential relief, keeping in view the facts highlighted in the body of the petition or to mould the relief appropriately in view of the facts and circumstances highlighted in the body of the petition.
- ii. The respondent no.1 be kindly ordered and directed to grant the petitioners 3<sup>rd</sup> Assured Career Progression benefit from the date of their completion of 26 years regular, continuous and satisfactory service or from the date of coming into force the above Assured Career Progression Policy, and to pay to the petitioners all consequential benefits including retiral benefits and pension arising out on this account together with interest thereon @9% per annum from the date of accrual till the actual date of payment.
- iii. Issue a writ, order or direction appropriate in nature to award compensation and damages in tune of Rs. 10 Lacs for each of the petitioner or such amount which the Court deem and proper and the same may be recovered from the private respondent and erring officers.
- iv. Issue any other order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
- v. Award the cost of the petition in favour of the petitioners.”

*[Emphasis supplied]*

2. Ld. Counsel for the petitioners drew attention of this Bench towards the letter No. 589 dated 22-02-2018 (Copy of letter: Annexure- A 14), written by Chief Engineer, Irrigation Department, Uttarakhand, Dehradun, addressed to the Secretary, Irrigation, Govt. of Uttarakhand, in which permission was sought for granting Selection Grade of Rs. 37400-67000 Grade Pay Rs.8700/- to the 10 Engineers, including the petitioners, who have retired from service.

3. Ld. Counsel for the petitioners, therefore, submitted that a direction may kindly be given to the Secretary, Irrigation, Govt. of Uttarakhand, to take appropriate decision, as per law, on such letter of Chief Engineer, Irrigation, within a stipulated time-frame. Ld. Counsel for the petitioners also submitted that the petitioners are also entitled to the benefit of Assured Career Progression (ACP), before granting selection grade to them. A direction may kindly be given to the Secretary, Irrigation, Govt. of Uttarakhand, to take a decision on grant of ACP also, in accordance with law.

4. Without prejudice to rival contentions, the claim petition is disposed of, by directing Respondent No. 1 to decide the representation of the petitioners, by a reasoned and speaking order, in accordance with law, without unreasonable delay, preferably within eight weeks of presentation of certified copy of this order along with fresh representation, enclosing the documents in support thereof.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)  
[virtually from Nainital]

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

*DATE: MAY 22, 2023*  
*DEHRADUN*