

**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. 113/DB/2021

Khushal Singh, aged about 52 years, s/o Sri Madan Singh, r/o B.E.G. Camp Road, Advani Plot Village Raiwala, Post Office- Raiwala, District Dehradun. Presently posted as Review Officer, Legislative & Parliamentary Affairs Department, Govt. of Uttarakhand.

.....Petitioner

vs.

1. State of Uttarakhand through Secretary, State Administration Department, Government of Uttarakhand, Dehradun.
2. State of Uttarakhand through Commissioner, Tax, Rajya Kar Bhawan, Nathanpur, Ring Road, Puliya No. 06, Dehradun.

.....Respondents

Present: Sri Kishore Rai, Advocate, for the petitioner.
(through audio conferencing)
Sri V.P.Devrani, A.P.O., for respondents.

JUDGMENT

DATED: NOVEMBER 11, 2021

Justice U.C.Dhyani (Oral)

RELIEFS PRAYED FOR

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

“(i). Issue a writ, order or direction directing the respondents to take into account the Army Services rendered by the applicant in re-fixing his seniority and pay protection with all benefits.

(ii) Issue any suitable writ, order or direction, which this Hon’ble Court may deem fit and proper on the basis of the facts and circumstances of the case.”

PETITIONER’S VERSION

2. The petitioner joined Army on 18.06.1987 and retired from there on 30.06.2004. In the G.Os. dated 18.05.1982 and 11.02.1987, provision relating to adjustment in civil post of the Personnel, who retired from the Indian Army has been given. The petitioner joined Commercial State Tax Department in the year 2009 and rendered his services till 09.01.2012. In the year 2012, the petitioner was selected through Public Service Commission and was posted as Assistant Review Officer in the Uttarakhand Secretariat on 10.01.2012. As per the Regulation 526 of the Civil Services Regulations (General Policy), the services rendered by the petitioner in Indian Army should be counted for fixation of seniority and pay protection in the present department.

It is the submission of Ld. Counsel for the petitioner that when the petitioner joined services in the Commercial State Tax Department, since then he has been moving representations for pay protection and re-fixation of his seniority, without yielding any result. At present the petitioner is Review Officer, Legislative and Parliamentary Affairs Department, Govt. of Uttarakhand. Ld. Counsel for the petitioner further submitted that the petitioner has continuous cause of action.

PRAAYER RESTRICTED

3. At the very outset, Ld. Counsel for the petitioner confined his prayer only to the extent that a direction be given to the respondent no.1 to decide the representation of the petitioner at an earliest possible, in the light of the decision dated 04.11.2006 rendered by Hon’ble High Court of Uttarakhand in WPSB No. 231/ 2006, Ravindra Singh Nayal vs. State & others and WPSB No. 50/2005 Sri T.P. Kundaliya vs. State and others, decided on 04.07.2005, to which Ld. A.P.O. has no objection.

ORDER

4. Without prejudice to rival contentions, the claim petition is disposed of at the admission stage by directing Respondent No.1 to decide the representation of the petitioner by a reasoned and speaking order, at an earliest possible, and without unreasonable delay, taking into consideration the judgment dated 04.11.2006 rendered by Hon'ble High Court of Uttarakhand in *WPSB No. 231/ 2006, Ravindra Singh Nayal vs. State & others* and judgment dated 04.07.2005 passed in *WPSB No. 50/2005 Sri T.P. Kundaliya vs. State and others*, 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 petitioner 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: NOVEMBER 11, 2021
DEHRADUN

VM