

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL  
AT DEHRADUN**

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. Arun Singh Rawat

-----Vice Chairman (A)

**CLAIM PETITION NO.70/DB/2022**

1. Surat Singh Bangari aged about 57 years s/o Late Sri Kalam Singh Bangari.
2. Omkar Singh aged about 58 years s/o Late Sri Khoob Singh.
3. Yogendra Singh Negi aged about 58 years s/o Late Sri Rewat Singh.
4. Satish Chandra Maithani aged about 58 years S/o Late Sri Adityanath Ram Maithani.
5. Suryanath Thakur aged about 59 years s/o Late Sri Mishri Thakur.
6. Smt. Devki Rana aged about 51 year w/o Late Sri Surendra Singh Rana.
7. Shazad Ali aged about 57 years s/o Late Mohd. Iliyas.
8. Brij Bhushan Gosain aged about 57 years s/o Late Sri Deveshwar Prasad Gosain.
9. Rajeev Singh Chauhan aged about 59 years s/o Late Sri Avval Singh Chauhan.
10. Virendra Dutt Raturi aged about 58 years s/o Late Sri Satya Narayan Raturi.
11. Nardev Uniyal aged about 58 years s/o Late Sri Pitamber Dutt Uniyal.
12. Ramphool aged about 59 years s/o Sh. Mori Mall.
13. Soban Singh Rawat aged about 58 years s/o Sh. Rajendra Singh Rawat.
14. Matber Singh Thakur aged about 57 years s/o Sh. Dil Bahadur.
15. Padam Dass aged about 56 years s/o Sri Dhanju.
16. Om Prakash aged about 50 years s/o Late Sri Jeet Lal.
17. Kushlanand Kothiyal aged about 59 years s/o Late Sri Aatmaram Kothiyal.
18. Sravan Kumar aged about 59 years s/o Sri Chait Ram.

.....Petitioners

**vs.**

1. State of Uttarakhand through Principal Secretary Forest, Government of Uttarakhand, Secretariat, Dehradun.
2. Secretary, Finance, Government of Uttarakhand, Secretariat, Dehradun.
3. Uttarakhand Forest Development Corporation through its Managing Director, Aranya Vikas Bhawan, Dehradun.
4. Regional Manager Uttarakhand Forest Development Corporation, Dehradun (T Region).
5. Division Logging Manager, Dehradun, Dehradun logging Division.
6. Division Sales Manager, Dehradun, Dehradun Sales Division.
7. Division Logging Manager, Chakrata, Chakrata logging Division.
8. Division Logging Manager, New Tehri, New Tehri Logging Division.
9. Division Logging Manager, Tons, Purola, Tons Logging Division, Purola, Uttarkashi.
10. Division/Logging Manager, Uttarkashi Division.

**.....Respondents**

Present: Sri L.K.Maithani, Advocate, for the Petitioner.  
 Sri V.P. Devrani, A.P.O. for the Respondents No. 1 & 2.  
 Sri B.S.Rawat, Advocate, for Respondents No. 3 to 10.

### **JUDGMENT**

**DATED: JUNE 05, 2025.**

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

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

“i). To quash the impugned order dated 27.05.2019 (Annexure No. A-1) and impugned order dated 17.09.2021 (Annexure No. A-2) where it is denial to the grade pay 4200 of Dy. Logging Officer and 5400 of Logging Officer as second and third ACP to the petitioners (Scalers) appointed in the year 1988 to 1990 and impugned refixation orders (Annexure No. A-3) where benefit of grade pay 4200 and 5400 sanctioned in the year 2017 are taken away and refixed the pay of the petitioner in the grade pay 2800 and 4200 respectively as second and third ACP.

ii) To declare that the service condition of the petitioners are covered under the provisions of section 74 of U.P. Reorganization Act, therefore entitled for the benefits of service which were accrued to the petitioner immediately before the appointed day in the erstwhile state of Uttar Pradesh in U.P. Forest Corporation.

iii) To issue an order or direction to the respondents to grant and sanction the grade 4200 of Dy. Logging Officer since 01.10.2013 to the petitioners as benefit of Second ACP and grant the benefit of third ACP grade pay 5400 from the date of admissibility and accordingly refix the pay of the petitioners.

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

v) To award the cost of the case.”

2. Claim petition is supported by the affidavit of Sri Surat Singh Bangari, petitioner No.1 . Relevant documents have been filed along with the petition.

3. Petition has been contested on behalf of respondents. Separate Counter Affidavits have been filed on behalf of Respondents. Sri Sher Singh, Regional Manager, Tehri, Uttarakhand Forest Development Corporation, has filed C.A. on behalf of Respondents No. 1& 2. Sri Akash Verma, the then Regional Manager, Forest Development Corporation (Tehri Region) has filed C.A. on behalf of Respondent No. 4. Relevant documents have been filed in support of Counter Affidavits.

4. Ld. Counsel for the petitioners placed a copy of judgment dated 12.02.2025 of the Hon'ble High Court of Uttarakhand rendered in WPSS No. 446/2020, Lalit Chandra Tiwari and others vs. State of Uttarakhand and others & connected writ petitions, to submit that controversy in present claim petition is covered by the aforesaid decision of the Hon'ble Court. Important paragraphs of the judgment read as under:

“Essentially the challenge in these writ petitions is made to the decisions of the respondents for refixing the date of entitlement of first Assured Career Progression (“ACP”) to the petitioners and by doing so significantly reducing the salary of the petitioners. The main challenge is made to the following:-

(i) Letter dated 05.02.2019 of the Secretary, Government of Uttarakhand addressed to the Principal Secretary, Forest and Environment, Government of Uttarakhand, by which the special audit report was forwarded. Two discrepancies were indicated in the said letter, namely, - (i) that the services of the petitioners should be

counted from 23.12.2002, when they were regularized, for the purpose of grant of ACP and not from any period prior thereto; and (ii) grade pay for the first, second and third ACP has wrongly been given because on 05.06.2007, the structure of the Uttarakhand Forest Development Corporation ("the Forest Corporation") was approved, which had both the posts of Assistant Logging Officer and Deputy Logging Officer in existence.

(ii) Communication dated 14.02.2019 of the Managing Director of the Forest Corporation made to the subordinate officers of the Forest Corporation enclosing therewith special audit report for its compliance.

(iii) Government Order dated 27.05.2009, by which directions have been issued pursuant to the special audit. It has also raised two issues i.e. (i) that since the petitioners were regularized in the month of December, 2002, their services should be counted from that date for the purpose of grant of ACP and (ii) that the posts of Assistant Logging Officer and the Deputy Logging Officer have not been merged in the State of Uttarakhand, therefore, accordingly the grade pay of first, second and third ACP is to be granted.

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49. Admittedly, in the instant case, the petitioners did not make any misrepresentation or did not play any fraud. They have been duly paid ACP benefits pursuant to the orders passed by the authorities. Therefore, for this reason also, no recovery may be made from the petitioners.

50. In a nutshell, this Court concludes as below:-

(i) The petitioners were rightly granted ACP counting their service w.e.f. 19.09.1991.

(ii) While granting the benefits of ACPs, the petitioners were rightly given the Grade Pay.

(iii) Since the petitioners were rightly paid salary, there is no question of any recovery from them.

51. In view of the foregoing discussions, this Court is of the view that the writ petitions deserve to be allowed and the impugned orders dated 05.02.2019, 14.02.2019, 27.05.2019 and other consequential impugned orders/notices deserve to be quashed.

52. The writ petitions are allowed. The impugned orders dated 05.02.2019, 14.02.2019, 27.05.2019 and other consequential orders/notices are quashed.

53. The respondents are directed to pay full salary to the petitioners as was paid to them prior to issuance of the impugned orders.

54. The respondents shall also pay the petitioners all the arrears and other consequential increments, etc. It shall be paid within a period of three months from now.

55. The retiral dues/benefits of deceased employee Diwan Giri Goswami, the husband of petitioner Kamla Devi in Writ Petition (S/S) No. 226 of 2021 and of all other petitioners (if any), who have retired during the pendency of

these writ petitions, shall be paid by the respondents within a period of three months from today.

56. On the basis of the impugned orders/notices, no recovery shall be made from the petitioners.”

5. Ld. Counsel for the respondents fairly submitted that the subject matter of present claim petition is covered by the aforesaid decision of Hon’ble High Court, therefore, present claim petition may be decided in terms of decision rendered by the Hon’ble Court on 12.02.2025 in WPSS No. 446/2020, Lalit Chandra Tiwari and others vs. State of Uttarakhand and others & connected writ petitions.

6. The claim petition is, accordingly, decided in terms of the judgment rendered by the Hon’ble High Court of Uttarakhand on 12.02.2025 in WPSS No. 446/2020, Lalit Chandra Tiwari and others vs. State of Uttarakhand and others & connected writ petitions.

**(ARUN SINGH RAWAT)**  
VICE CHAIRMAN (A)

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

*DATE: JUNE 05, 2025*  
*DEHRADUN*

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