

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

CLAIM PETITION NO. 96/SB/2025

1. Mushahid Husain (male) aged about 49 years, S/o Sh. Hamid Husain, R/o Lane no. 10. Guijjar Plot, Amit Gram, Gumaniwala, Rishikesh, Dehradun, Uttarakhand. 249204.
2. Habibur Rehman (male) aged about 54 years, S/o Sh. Mohd. Farooq. R/o Ward no. 13, Mehuwala mafi, Dehradun Uttarakhand. 248171.
3. Mohd. Aftab Aslam (male) aged about 53 years, S/o Sh. Khursheed Alam, R/o Danda Jeewangarh, Vikasnagar, Dehradun, Uttarakhand. 248125.
4. Khalil Ahmad (male) aged about 60 years, S/o Sh. Badruddin, R/o 92, Haqqani, Amroha, Uttar Pradesh. 244221.
5. Zebunnisa (Female) aged about 55 years, W/o Sh. Ishrar Ahamed, R/o Ward no. 2. Kedarwala, Dehradun, Uttarakhand. 248197.

.....Petitioner

VS.

1. State of Uttarakhand, Through the Chief Secretary, Government of Uttarakhand, Secretariat, Dehradun-248001.
2. Secretary. Department of School Education, Government of Uttarakhand, Secretariat, Dehradun - 248001.
3. Director, School Education (Prarambhik Shiksha), Uttarakhand, Nanurkheda, Tapovan Road, Dehradun - 248001.
4. District Basic Education Officer (Prarambhik Shiksha), Office of District Education Officer (Basic), Dehradun - 248001.

.....Respondents

Present: Sri Abhishek Chamoli & Saurabh Kumar , Advocates,
for the petitioners (online).
Sri V.P. Devrani, A.P.O. for Respondents.

JUDGMENT

DATED: JULY 31, 2025

Justice U.C.Dhyani (Oral)

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

"1. Issue order or direction directing the respondents to grant the petitioners the benefits of pay fixation from the initial date of appointment i.e., 01.08.1997.

II. To direct the respondents to grant all consequential service benefits, including pay fixation, selection grade, promotion scale, and other admissible benefits, from the notional date; 01.08.1997.

III. Pass such other or further orders which this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case.

IV. To award the cost of petition."

2. The claim petition is supported by the affidavit of Sri Mushahid Husain, petitioner No.1. Relevant documents have been filed along with the same.

3. At the very outset, Ld. A.P.O. objected to the maintainability of the claim petition *inter alia* on the ground that – (i) the claim petition is barred by limitation in view of Section 5(1)(b)(i) of the U.P. Public Services (Tribunal) Act, 1976 & (ii) the relief pertains to the period when this territory was part of the erstwhile State of Uttar Pradesh, hence, the Tribunal lacks territorial jurisdiction to hear the matter.

4. Sri Abhishek Chamoli, Ld. Counsel for the petitioners, however, submitted that the petitioners have submitted several representations to the respondent department, which may kindly be directed to be decided by the respondents by a reasoned and speaking order, in accordance with law. In reply, Ld. A.P.O. submitted that if the Tribunal directs the respondents to decide the representation of the petitioners, as per law, he has no objection to such innocuous prayer.

5. The claim petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties, by directing the authority concerned in the respondent department, to decide the representation of the petitioners by a reasoned and speaking order, in accordance with

law, as expeditiously as possible, and without unreasonable delay on presentation of certified copy of this order, along with copy of representation, enclosing the documents in support thereof. No order as to costs.

6. Rival contentions are left open.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JULY 31, 2025.
DEHRADUN

VM