

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCH AT NAINITAL**

**REVIEW APPLICATION NO. 03/NB/DB/2024
[IN CLAIM PETITION NO. 39/NB/DB/2023]**

Sri Ram Chandra Srivastava, aged about 63 years, s/o Late Sri Keshari Prasad Srivastava, r/o Village Kalithan, Baba Ram Giri Mandir, P.O. & District Balrampur.

.....**Petitioner/review applicant**

VERSUS

1. State of Uttarakhand through Secretary, Medical Health and Family Welfare, Uttarakhand, Dehradun.
2. Director General Medical Health and Family Welfare, Uttarakhand, Dehradun.
3. Chief Medical Officer, Udham Singh Nagar.
4. Medical Superintendent Community Health Centre, Jaspur, District Udham Singh Nagar.
5. Additional Director/ Chief Treasury Officer, Udham Singh Nagar, Rudrapur, District- Udham Singh Nagar.
6. Accountant General, Uttarakhand, Dehradun.

.....**Respondents/O.Ps.**

(virtually)

Present: Sri Ram Charan Srivastava, petitioner/ review applicant

Sri Kishore Kumar, A.P.O. for the Respondents No. 1 to 5

Sri Rajesh Sharma, Advocate, for Respondent No.6.

JUDGMENT

DATED: AUGUST 20, 2025

Justice U.C.Dhyani (Oral)

Present review application has been filed by the petitioner/ applicant for reviewing order dated 16.08.2024, passed by the Tribunal in

Claim Petition No. 39/NB/DB/2023, Ram Chandra Srivastava vs. State of Uttarakhand and others. Operative portion of the judgment dated 16.08.2024, reads as under:

“23. The claim petition is disposed of by directing the respondent department to refund a sum of Rs. 2,32,187/-, which was recovered from the petitioner under the pretext of 'adjustment of excess payment' from the gratuity of the petitioner after retirement, as expeditiously, as possible, without unreasonable delay, but he will not be entitled to interest on the same, being 'undeserved monetary benefit'. No order as to costs.”

2. The petitioner/ applicant prays for reviewing the aforesaid decision on the following grounds:

(i) The decisions of Hon’ble Apex Court in *State of Punjab vs. Rafiq Masih & others*, (2015) 4 SCC 334 and *Thomas Daniel vs. State of Kerala and others* passed Civil Appeal No. 7115 of 2010 decided on 02.05.2022, were well within the knowledge of respondent department, but they have deliberately recovered a sum of Rs.2,32,187/- from the gratuity of the petitioner. Petitioner is entitled to interest on the same.

(ii) In Claim Petition No. 69/SB/2023, *Munendera Singh Rawat vs. State of Uttarakhand and others*, the Tribunal allowed interest to the petitioner on delayed payment of retiral dues by relying on the decisions of Hon’ble Supreme Court.

(iii) The Tribunal has not given any finding on Prayer No.2, which was for restoration of his salary and calculation of retiral dues, on the basis of last drawn salary, i.e. Rs. 68,000/-.

(iv) Petitioner retired on 31.10.2021. On such date his last drawn salary was Rs.68000/- + D.A. The respondents, after his retirement, without giving any notice to the petitioner, reduced his salary to Rs.64,100 + D.A. from Rs. 68,000/- + D.A. and calculated the retiral dues of the petitioner on the basis of reduced salary. Reduction of salary amounts to reduction in rank, which has been passed on 23.01.2023, when the master servant relationship between the petitioner and respondent department had come to an end. Last drawn

salary of the petitioner be restored and respondents be directed to calculate his retiral dues on the basis of his last drawn salary *i.e.* Rs.68,000/- + D.A.

3. The prayer clause of the review application reads as under:

“It is, therefore, in the interest of justice that this Hon'ble Court may graciously be pleased to pass appropriate order or direction keeping in view the aforesaid submissions made in the review application and to allow this review application and review the judgment and order dated 16-08-2024 and allow the interest on delayed payment of part amount of Gratuity @18% per annum to the petitioner and further direct the respondents to calculate the retiral dues of the petitioner on the basis of his last drawn salary and pay the difference or to pass such order or direction, which the court may deem fit and proper in the circumstances of the case, otherwise the applicant/ petitioner shall suffer irreparable loss and injury.”

4. The Tribunal does not feel it necessary to reproduce the entire decision dated 16.08.2024, rendered in Claim petition No. 39/NB/DB/2023, for the same is already part of record (Annexure: A-1).

5. Ld. A.P.O. has objected to the maintainability and contents of the review application.

6. The petitioner/ review applicant submitted that liberty may be granted to him to represent his grievance to the respondent department, who should be directed to consider his representation and pass a reasoned and speaking order within a reasonable time, in accordance with law. The main submission of the petitioner is that his salary has been revised, to his detriment, after two years of his superannuation.

7. Sri Kishore Kumar, Ld. A.P.O. as well as Sri Rajesh Sharma, Ld. Counsel for Respondent No.6, has no objection to such innocuous prayer of the petitioner.

8. Although scope of review jurisdiction is very limited, yet considering the innocuous prayer of the petitioner, liberty is granted to the petitioner/ review applicant to represent his grievance to the respondent department for considering his prayer and pass reasoned and speaking order.

9. The review application is disposed of, by granting liberty to the petitioner to make representation to the competent authority in the respondent department. If such representation is filed by the

petitioner/applicant in the respondent department, the authority concerned is directed to consider his representation and pass a reasoned and speaking order on that, within a reasonable time, in accordance with law, under intimation to the petitioner.

10. Review application thus stands disposed of.

(CAPT. ALOK SHEKHAR TIWARI)
MEMBER (A)
(virtual)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: AUGUST 20, 2025
DEHRADUN

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