

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

Present: Hon'ble Mr. Rajendra Singh

----- Vice Chairman (J)

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO. 55/NB/DB/2022

Altaf Hussain Male aged about 61 years, S/o Sri Chote r/o Ward No. 02,
Gandhi Nagar, Gadarpur, Udham Singh Nagar.

.....Petitioner

Versus

1. Director Audit, Directorate of Audit, Government of Uttarakhand, State Election Commission Campus, Masoori Bypass Ring Road, Dehradun.
2. Nagar Palika Parishad, Gadarpur, Udham Singh Nagar through its Executive Officer.
3. State of Uttarakhand, through Secretary, Urban Development Department, Government of Uttarakhand, Dehradun.

.....Respondents

Present: Mohd. Matloob, Advocate for the petitioner
Sri Kishore Kumar, A.P.O. for the Respondents No.1 & 3.
Sri Deep Chandra Joshi Advocate for Respondent No. 2

JUDGMENT

DATED: MARCH 22, 2023

Mr. Rajeev Gupta (Oral)

This claim petition has been filed seeking the following reliefs:-

- “(i) quash the letter/correspondence dated 31.07.2021 issued by the respondent no. 1 (Annexure No. 1), chart dated 27.10.2021 issued by the respondent no. 2 (Annexure No. 2) and letter dated 27.11.2021 issued by the respondent no. 1 (Annexure No. 03).

- (ii) direct the respondents to pay the balance amount of pension treating the basic pay of Rs. 950-20-1150 ₹ २०-२५-१५०० revised from time to time alongwith the 18% interest per annum.
- (iii). direct the respondents to pay the gratuity legally admissible to the petitioner.
- (iv) To award any other relief in favour of the applicant which this Hon'ble Tribunal may deem fit and proper in these circumstances of this case.
- (v) To award the cost of the petition in favour of the applicant as against the respondents.

2. Pleadings have been exchanged and arguments of the learned Counsel for the parties have been heard by us.

3. The basic issue in this claim petition is whether the petitioner was initially appointed as Deputy Tax Collector or Tax Collector. It is agreed by all the parties that the petitioner retired as Tax Collector and was appointed on the post of Nayab Tax Collector on 25.04.1985. Nagar Palika Parishad, Gadarpur has revised his pension on the ground that he was initially appointed as Nayab Tax Collector with initial pay scale of Rs. 325-475/- and, therefore, on 01.01.1986, his basic pay should have been fixed in the new pay scale as Rs. 800/-, while in the service book entry his basic pay on 01.01.1986 is shown as Rs. 950/- which was the basic pay of the promotional post of Tax Collector. The Nagar Palika has held that throughout the service of the petitioner wrong fixation of pay has been made and thus excess payment of Rs. 9,33,222/- has been made to him, which has been recovered from his retiral dues.

4. The Tribunal directs that the petitioner may make a clear representation to the respondent No. 2 alongwith copy of his promotion order to the post of Tax Collector and other relevant documents, which shall be decided by the respondent No. 2 by a speaking and reasoned order within a period of two months after receiving the same alongwith a certified copy of this order.

5. With the above direction, the claim petition is disposed of. No order as to costs.

(RAJENDRA SINGH)
VICE CHAIRMAN (J)

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

DATE: MARCH 22, 2023
NAINITAL

BK