

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

Present: Hon'ble Mr. Rajendra Singh,

.....Vice Chairman (J)

Hon'ble Mr. A.S.Rawat

.....Vice Chairman (A)

CLAIM PETITION NO. 91/NB/DB/2023

Dr. M.K.Tiwari, aged about 54 years, s/o Sri Ram Krishna Tiwari, presently serving in Joint Director's Grade, Jawahar Lal Nehru District Hospital, Rudrapur, District Udham Singh Nagar.

.....**Petitioner**

Vs.

1. State of Uttarakhand, through Secretary, Medical Health and Family Welfare Department, Government of Uttarakhand, Dehradun.
2. Director General, Medical Health and Family Welfare, Uttarakhand, Dehradun.
3. Chief Medical Superintendent, Jawahar Lal Nehru District Hospital, Rudrapur, District Udham Singh Nagar.

.....**Respondents**

Present: Sri Bhagwat Mehra, Advocate for the petitioner
Sri Kishore Kumar, APO for the Respondents

JUDGMENT

DATED: OCTOBER 14, 2025

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

A. To set-aside the impugned punishment order dated 30-11-2022 issued by the Respondent No. 1 (Annexure No. 1 to Compilation-1).

B. To set aside the impugned minutes/decision taken by the S.D.A.C.P. Screening Committee in its meeting dated 10-04-2023 (Annexure No. 2 to Compilation-I).

C. To set-aside the impugned communication/letter/order dated 03-05-2023 issued by the Respondent No. 1 (Annexure No. 3 to Compilation-1).

D. To declare the action of the Respondents, particularly Respondent No. 1, in the matter for non-payment of salary and other service benefits for the period 11-04-2017 to 16-07-2019 and treating the same as "Break in Service", as arbitrary and illegal.

E. To direct the Respondents to forthwith release all service benefits to the petitioner for the period from 11-04-2017 to 16-07-2019 including salary, Annual Increments etc.

F. To direct the Respondents, particularly Respondent No. 1 to forthwith grant the benefits of S.D.A.C.P. (Special Dynamic Assured Career Progression) Scheme to the petitioner in the Pay Level 13-Aon completion of 20 years continuous satisfactory service in the department which became due on 31-01-2017 to him.

G. To direct the Respondents to grant all consequential benefits to the petitioner.

H. To pass any other suitable order as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

I. To allow the claim petition with cost.

2. During course of the argument, learned A.P.O. informed the Court that during the pendency of the claim petition, the reliefs no. A, C, D, E, G & H sought by the petitioner in the claim petition have already been resolved by the department. With regard to the rest of the reliefs no. B & F, learned A.P.O. has further submitted that presently, as a result of the Office Order dated 30.11.2022, terminating the ongoing disciplinary proceedings against Dr. M.K. Tiwari and again by the G.O. dated 20.09.2023, partially amending the above order dated 30.11.2022, the 'Special Adverse Entry' given to Dr. M.K. Tiwari for the year 2019-20 has been expunged and a proposal with recommendation has been sent to the Government vide letter no. 1प/रा०पु०/35/2010/TC-1/10312, dated 02.04.2024 for granting the S.D.A.C.P. payable to the petitioner in 20 years, which is pending for consideration before the Govt.

3. Learned Counsel for the petitioner requested that a direction may kindly be given to the respondent no. 1 to consider the case of

the petitioner for granting the benefits of S.D.A.C.P. (Special Dynamic Assured Career Progression) Scheme to the petitioner in the Pay Level 13-A on completion of 20 years continuous satisfactory service in the department which became due on 31-01-2017 to him, which the proposal is already pending before the Govt. for consideration at the earliest.

4. Learned A.P.O. has no objection to such prayer of the petitioner.

5. Accordingly, the claim petition is disposed of by directing the respondent no. 1 (Secretary, Medical Health and Family Welfare Department, Govt. of Uttarakhand, Dehradun) to consider the case of the petitioner for granting the benefits of S.D.A.C.P. (Special Dynamic Assured Career Progression) Scheme to the petitioner in the Pay Level 13-A on completion of 20 years continuous satisfactory service in the department which became due on 31.01.2017 to him, within a period of three months, from the date of presentation of certified copy of this order. No order as to costs.

A.S.RAWAT
VICE CHAIRMAN (A)

RAJENDRA SINGH
VICE CHAIRMAN (J)

DATED: OCTOBER 14, 2025
DEHRADUN
KNP