

**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. 98/NB/DB/2021

Soran Lal Kuril, S/o Sri Hari Ram, presently posted as Accountant, District Treasury, Udham Singh Nagar Nainital, residing at R-3, Collectorate Campus, Udham Singh Nagar.

.....**Petitioner**

Vs.

1. State of Uttarakhand through Secretary Finance, Government of Uttarakhand, Secretariat, Dehradun.
2. Director, Treasuries, Pension and Emoluments, 23, Laxmi Road, Dalanwala, Dehradun.
3. District Magistrate, Udham Singh Nagar
4. Chief Treasury Officer, Udham Singh Nagar, District Nainital.

.....**Respondents**

Present: Ms. Menka Tripathi, Advocate for the petitioner
Sri Kishore Kumar, A.P.O. for the respondents

JUDGMENT

DATED: DECEMBER 09, 2025

Per: Hon'ble Sri A.S.Rawat, Vice Chairman (A)

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

A. To set aside the order dated 12.10.2021 (contained in Annexure No.1) vide which the petitioner has been denied the benefit of pay parity with his junior.

A(i) To set aside the order dated 18.11.2021 (contained in Annexure no.12) vide which the petitioner has been denied the benefit of pay parity with his junior.

B. To direct the respondents to grant the benefit of pay parity with all the consequential benefits with effect from the date his junior has been granted, i.e. from 13.08 2002.

C. To direct the respondents to grant the same salary and emoluments of the post of Accountant as has been granted to Sri Chandra Shekhar Tiwari with effect from the date it has been granted to Sri Chandra Shekhar Tiwari and to pay him the arrears of the same.

D. Any other order or direction that this Hon'ble Tribunal may deem fit, just and proper in the circumstances of the case may also be passed, favouring the petitioner

E. Allow the present petition in toto with costs.”

2. Brief facts of the case are that the petitioner was appointed as Assistant Accountant vide order dated 08.03.1999 in the pay scale of 4000-100-6000 in district Udham Singh Nagar. On 02.12.2003, the petitioner got promoted to the post of Accountant.

2.1 One Sri Chandra Shekhar Tiwari, who was appointed as Assistant Accountant on 22.03.1999 at Almora Treasury was transferred, on his personal request, to District Udham Singh Nagar vide order dated 03.02.2004 issued by the then Director Treasury. The petitioner was already working as Accountant in Udham Singh Nagar Treasury when Sri Chandra Shekhar Tiwari joined as Assistant Accountant in the said establishment. Sri Chandra Shekhar Tiwari got promoted to the post of Accountant vide order dated 25.06.2005 along with another person, i.e. much later than the petitioner.

2.3 Thereafter in the year 2009, a seniority list of Accountants was prepared, in which the name of Sri Chandra Shekhar Tiwari was kept below the name of the petitioner as the petitioner was senior to Mr. Chandra Shekhar Tiwari. Subsequently in the year 2015, while deciding the representation of the petitioner, in respect of pay parity with his junior, the authority concerned proposed that the petitioner should also get the benefit of pay parity with his junior, i.e. Sri Chandra Shekhar Tiwari. Despite the aforesaid recommendation, till date the discrepancy in the pay scale has not been resolved by the authority

concerned as a result of which, the petitioner is still getting a lower pay than his junior Sri Chandra Shekhar Tiwari.

2.4 It is submitted that as per the settled legal proposition, if a senior employee is at a lower pay than his junior then the pay of the senior employee shall be made at par with his junior from the date his junior was given the benefits. The issue relating to the pay parity of the petitioner was turned down by the respondent no. 4 vide order dated 13.07.2021 in the most mechanical and callous manner stating in the order impugned that since Sri Chandra Shekhar Tiwari was transferred from Almora to Udham Singh Nagar, the petitioner cannot seek parity with him.

2.5 Aggrieved by the order dated 13.07.2021, the petitioner filed a writ petition no. 1137 (S/S) of 2023, Soran Lal Kuril versus State of Uttarakhand and others before the Hon'ble High Court of Nainital. The Hon'ble High Court vide order dated 07.09.2021 disposed of the Writ Petition with liberty to the petitioner to make a representation to respondent no. 4 within a period of 10 days from the date of the order and with the further directions to the respondent no. 4 to decide the said representation within a period of two months. The petitioner preferred a representation dated 17.09.2021 before the respondent no 4, who did not consider the representation and passed the impugned order dated 12. 10 .2021 which was similar to the order dated 13.07.2021 impugned in the Writ Petition.

2.6 The Respondent No. 3 had passed order dated 18.11.2021 whereby the claim of the Petitioner has been rejected.

2.7 The fact that the petitioner is senior to Sri Chandra Shekhar Tiwari was also decided by the respondent no. 2 while deciding the representations against the seniority list of the Accountants upon which the seniority list of the Accountants was prepared, which is not disputed.

2.8 Since the Petitioner is admittedly senior to Sri Chandra Shekhar Tiwari, the petitioner should also be granted all the benefits, which have been granted to Sri Chandra Shekhar Tiwari, who is admittedly junior to the petitioner, with effect from the date his junior (Sri Chandra Shekhar Tiwari) was granted the benefit. There is a recommendation by the respondent that since the petitioner is senior to Sri Chandra Shekhar Tiwari yet the petitioner has been deprived of the same benefit when he also became due to be given such benefit. It is also stated that none of the representations of the petitioner have been decided by the authorities concerned considering the legal aspect and the correct facts and circumstances of the matter.

3. Separate C.As./W.S. have been filed on behalf of the respondents no. 2, 3 & 4, which are on the same lines, in which it has been contended that-

3.1 याची लेखाकार उपकोषागार, गदरपुर द्वारा अपने प्रार्थना पत्र दिनांक 21.07. 2014 एवं दिनांक 19.01.2021 के माध्यम से अपने से कनिष्ठ लेखाकार श्री चन्द्रशेखर तिवारी के समान वेतन करने का अनुरोध किया गया है। याची की नियुक्ति, सहायक कोषागार लेखाकार के पद पर अधिष्ठान, कोषागार, उधम सिंह नगर में जिलाधिकारी, उधम सिंह नगर के आदेश संख्या 1832. दिनांक 20.02.1999 के क्रम में की गयी थी जबकि श्री चन्द्रशेखर तिवारी, सहायक लेखाकार, कोषागार, अल्मोड़ा का स्थानान्तरण निदेशक कोषागार एवं वित्त सेवायें, उत्तराखण्ड के आदेश संख्या 2105, दिनांक 03. 02.2004 के अनुपालन में अधिष्ठान कोषागार, अल्मोड़ा से अधिष्ठान, कोषागार, उधम सिंह नगर में किया गया था। उक्त आदेश के अनुसार श्री चन्द्र शेखर तिवारी, सहायक लेखाकार, कोषागार, उधम सिंह नगर में सहायक लेखाकार के पद पर कार्यभार ग्रहण करने की तिथि को इस संवर्ग में सबसे कनिष्ठ हो गये।

3.2 श्री चन्द्रशेखर तिवारी द्वारा निदेशक कोषागार एवं वित्त सेवायें, उत्तराखण्ड के आदेश संख्या 2105, दिनांक 03.02.2004 के अनुपालन में अधिष्ठान कोषागार, उधम सिंह नगर में दिनांक 13.02.2004 को कार्यभार ग्रहण करने के उपरान्त माह मार्च 2004 की वेतन पंजिका के अनुसार सहायक लेखाकार के पद पर श्री तिवारी का मूल वेतन 4600-00 था तथा श्री सोरन लाल कुरील का लेखाकार के पद पर मूल वेतन 5150-00 था। वरिष्ठ कोषाधिकारी, अल्मोड़ा के आदेश संख्या 105, दिनांक 28.04.2012 के क्रम में श्री चन्द्र शेखर तिवारी, लेखाकार, कोषागार,

उधम सिंह नगर को 80:20 के अनुपात में दिनांक 13.08.2002 से लेखाकार के पद पर पदोन्नति 2/लाभ अनुमन्य किया जाने व वेतनमान 5500-9000 दिये जाने के कारण श्री तिवारी का दिनांक 13. 08.2002 को मूल वेतन 5500-00 हो गया। चूंकि उक्त लाभ श्री तिवारी को अधिष्ठान, कोषागार, अल्मोड़ा में उनकी वरिष्ठता के आधार पर अनुमन्य किया गया है तथा निदेशक, कोषागार एवं वित्त सेवायें, उत्तराखण्ड के पत्रांक संख्या 2105, दिनांक 03.02.2004 के द्वारा श्री चन्द्र शेखर तिवारी, कोषागार, अधिष्ठान, अल्मोड़ा से कोषागार अधिष्ठान, उधम सिंह नगर में स्थानान्तरित होने के कारण कनिष्ठ हुए हैं।

3.3 वित्तीय हस्त पुस्तिका, खण्ड-2, भाग-2 से 4 के नियम 22 व एवं शासनादेश संख्या जी-2-1330/10-320/78, दिनांक 03.07.1978 में किये गये प्राविधानों एवं प्रतिबन्धों के अधीन कनिष्ठ वरिष्ठ के आधार पर वेतन की तुलना अपने मूल कोषागार (जनपदीय संवर्ग) में तैनात कार्मिकों से ही की जा सकती है। अतः वादी श्री सोरन लाल कुरील का अपने से कनिष्ठ श्री चन्द्र शेखर तिवारी के समान वेतन किये जाने हेतु दिये गये गये प्रार्थना पत्र दिनांक 19.01.2021 को तत्कालीन मुख्य कोषाधिकारी द्वारा अपने पत्रांक 412, दिनांक 13.07.2021 के माध्यम से वापस कर दिया गया है। उक्त के उपरान्त श्री सोरन लाल कुरील, लेखाकार द्वारा माननीय उत्तराखण्ड उच्च न्यायालय नैनीताल में योजित याचिका संख्या 1137/2021 (एस०एस०) श्री सोरन लाल कुरील बनाम उत्तराखण्ड राज्य व अन्य में माननीय उच्च न्यायालय द्वारा निम्न आदेश पारित किये गये—

"The writ petition is disposed of with liberty to the petitioner to make a representation to respondent no. 4 within a period of 10 days from today with further directions to respondent no. 4 that upon such representation having been made, that shall be decided within a period of two months thereafter. But, in case, the dispute is still not resolved, even after consideration of the representation, any writ petition, on the subject, shall not be entertained by this court merely on the ground that it is in sequel to the instant writ petition."

3.4 माननीय उच्च न्यायालय के आदेशों के क्रम में याचिकाकर्ता श्री सोरनलाल कुरील, लेखाकार, गदरपुर ने दिनांक 17.09.2021 को अपने प्रत्यावेदन के साथ माननीय उच्च न्यायालय के आदेश की प्रति प्रस्तुत करते हुए मा० उच्च न्यायालय के आदेश दिनांक 07.09.2021 के अनुपालन में याचिकाकर्ता को दिनांक 13.08.2002 से श्री चन्द्र शेखर तिवारी के समान वेतन निर्धारित कर प्रत्यावेदन का निस्तारण

करने का अनुरोध किया गया। उक्त प्रकरण में वित्तीय हस्त पुस्तिका, खण्ड-2, भाग-2 से 4 के नियम 22 ख एवं शासनादेश संख्या जी-2-1330/10-320/78, दिनांक 03.07.1978 में किये गये प्राविधानों एवं प्रतिबन्धों के अधीन कनिष्ठ वरिष्ठ के आधार पर वेतन की तुलना अपने मूल कोषागार (जनपदीय संवर्ग) में तैनात कार्मिकों से ही की जा सकती है। श्री चन्द्र शेखर तिवारी का कोषागार अधिष्ठान, अल्मोड़ा तथा श्री सोरन लाल कुरील का कोषागार, अधिष्ठान, उधम सिंह नगर होने के कारण दोनों कार्मिकों की तुलना नहीं की जा सकती तथा श्री सोरन लाल कुरील को श्री चन्द्र शेखर तिवारी के समान वेतन का निर्धारण युक्ति संगत नहीं होने के कारण मा० उच्च न्यायालय नैनीताल में दायर रिट याचिका संख्या 1137/2021 (एस०एस०) में पारित आदेश के अनुपालन में तत्कालीन मुख्य कोषाधिकारी, उधम सिंह नगर के आदेश संख्या 779, दिनांक 12.10.2021 व जिलाधिकारी, उधम सिंह नगर के आदेश संख्या 929, दिनांक के द्वारा याचिकाकर्ता का प्रत्यावेदन निरस्त कर निस्तारित कर दिया।

4. The petitioner has also filed R.As. to the C.As./W.Ss filed by the respondents denying the contentions made in the C.A./W.S. and has reiterated the averments as mentioned in the claim petition.

5. We have heard learned Counsel for the parties and perused the record carefully.

6. Learned Counsel for the petitioner argued that the petitioner was appointed as Asstt. Accountant on 08/03/1999 and promoted on the post of Accountant on 02/12/2003 in District Udham Singh Nagar. Sri Chandra Shekhar Tiwari was appointed as Asstt. Accountant in the Almora treasury on 22/03/1999. Sri Chandra Shekhar Tiwari was transferred to Udham Singh Nagar on his request by the Director Treasury vide order dated 03/02/2004 and was promoted on the post of the Accountant vide order dated 25/06/2005. In the seniority list prepared in the year 2009, the petitioner was kept above Sri Chandra Shekhar Tiwari, but Sri Chandra Shekhar Tiwari is still getting more salary than the petitioner despite the fact that the petitioner is senior to Sri Chandra Shekhar Tiwari. The petitioner has submitted that he made a representation which has been turned down by the respondent authority giving the reason that he has been transferred from Almora. The petitioner even filed writ petition in the Hon'ble High

Court related to the matter of pay parity. Hon'ble High Court disposed of the petition with the directions to make representation to the respondent authority and the respondent authority were directed to decide the representation. The respondent authorities disposed of the representation vide order dated 12/10/2021. Sri Chandra Shekhar Tiwari has been given benefit of 80:20 but the same benefit has not been given to the petitioner. The learned Counsel has argued that the impugned orders are liable to be quashed and the claim petition is liable to be allowed.

7. Learned APO argued that Sri Chandra Shekhar Tiwari was appointed as Asst Accountant in the Distt. Treasury Almora. He was transferred to the Distt Treasury Udham Singh Nagar on his request due to which he became junior most in his cadre. On the date of joining Distt Treasury Udham Singh Nagar, Sri Chandra Shekhar Tiwari was getting lower pay than the petitioner. But he was given benefit of 80:20 and promoted w.e.f. 13/08/2002 due to which his pay scale became higher than the petitioner. In this case Sri Chandra Shekhar Tiwari got the benefit of promotion in his cadre at Amora but on his transfer to Distt. Treasury Udham Singh Nagar which is a different cadre he became junior most the transfer cadre. Learned A.P.O. has cited the provisions of the Financial Hand Book Part -2, chapter -2 and Government order dated 03/7/1978, vide which it has been clarified that the comparison of the pay can be done only in the own cadre. In case of the petitioner, the comparison with the Sri Chandra Shekhar Tiwari cannot be made as the Sri Chandra Shekhar Tiwari got his higher pay from his previous cadre of Distt Treasury Almora, a different case. The order of the Hon'ble High Court of Uttarakhand at Nainital has been complied by the respondent authorities accordingly. The claim petition is liable to be dismissed.

8. Based on the arguments of parties and the documents place before the Tribunal, we find that the petitioner and Sri Chandra Shekhar Tiwari were born in different cadres, Distt Treasury Udham Singh Nagar and Distt Treasury Almora. In case of transfer of an

employer from one cadre to another on the personal request, the employee becomes junior most in the transferred cadre. In this case, Sri Chandra Shekhar Tiwari on his transfer from Almora to Udham Singh Nagar became junior most in the Udham Singh Nagar Distt. treasury cadre. This has been shown in the seniority list of District Treasury, Udham Singh Nagar finalised in 2009. But in the meantime, Sri Chandra Shekhar Tiwari got promotion on the basis of 80:20 from his previous cadre viz. Distt. Treasury Almora w.e.f. 13/08/2002 and his pay became higher than the petitioner. Sri Chandra Shekhar Tiwari got this benefit from the Distt. Treasury Almora which was his cadre before his transfer to Distt treasury Udham Singh Nagar. So, the petitioner cannot seek parity in the scale in this case as Sri Chandra Shekhar Tiwari has been getting higher pay because of his earlier posting in the Almora Distt Treasury. This fact is well supported by the provision of Rule 22 (2)(a) of the Financial Hand Book. Hence, the petitioner is not entitled to any relief and the claim petition is liable to be dismissed.

ORDER

The claim petition is hereby dismissed. No order as to costs.

RAJENDRA SINGH
VICE CHAIRMAN (J)

A.S.RAWAT
VICE CHAIRMAN (A)

DATED: DECEMBER 09, 2025
DEHRADUN
KNP