BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN

CLAIM PETITION NO. 183/SB/2024

1. Gajendra Singh Chauhan (Male) aged about 64 years S/o of Late Sri Pratap Singh Chauhan r/o Unnati Vihar, Lower Nathanpur, Dehradun, Uttarakhand
2. Soban Singh (Male) aged about 62 years S/o of Sri Krate Singh r/o Devanchal Vihar, Ward no. 99, Lane no. 4, Nakraunda Dehradun, Uttarakhand
3. Garjman Rai (Male) aged about 62 years S/o of Late Sri Balman Rai r/o Radhakrishna Vihar, Prasad Farm Road, Near Shiv Mandir, Nakraunda, Dehradun, Uttarakhand

……Petitioners

Versus

1. State of Uttarakhand through Secretary, Secretariat Administration, Uttarakhand Secretariat, Subash Road Dehradun.
2. Managing Director, Garhwal Mandal Vikas Nigam, 74/1, Rajpur Road, Dehradun.

…….Respondents.

Present: Dr. N.K.Pant, Advocate, for the petitioners.
Sri V.P.Devrani, A.P.O., for the Respondent No.1.
Sri S.K.Jain, Advocate, for Respondent No.2.

JUDGMENT

DATED: DECEMBER 17, 2025

Justice U.C.Dhyani(Oral)

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

"(i)) Issue an order or direction calling for the record and to direct the respondent to set aside the order no. 1557 dated 07-11-2024 as well as pay the retiral benefits to the petitioner without further delay along with interest @18% p.a. thereon till the actual payment is made.

(ii) Issue any suitable claim, order of direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

(iii) Award the cost of claim petition to the Petitioner."

2. Claim petition is supported by the affidavit of the Sri Gajendra Singh Chauhan, petitioner No.1. Relevant documents have been filed along with the petition.

3. Claim petition has been contested on behalf of respondents. Separate Counter Affidavits have been filed on behalf of Respondent No.1 and Respondent No.2. Sri Nandan Singh Dungariyal, Joint Secretary, SAD, Govt. of Uttarakhand, Dehradun has filed C.A. on behalf of Respondent No.1. Sri Vijay Prasad Bhatt, Office Superintendent, Garhwal Mandal Vikas Nigam, Ltd., Dehradun, has filed C.A. on behalf of Respondent No.2. Relevant documents have been filed in support of Counter Affidavits.

4. This is 2nd round of litigation between the parties. In the 1st round of litigation, Claim Petition No. 135/DB/2023 was decided by the Tribunal *vide* order dated 02.08.2023.

5. When the same was not complied with, the petitioner Sri Gajendra Singh Chauhan, filed Execution Petition No. 03/SB/2024, which was disposed of by the Tribunal *vide* order dated 03.01.2024. Relevant paragraphs of judgment dated 02.08.2023 were quoted in the decision dated 03.01.2024 in Execution Petition No. 03/SB/2024. Complete judgment dated 02.08.2023 is reproduced herein below for convenience:

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

"(i) Issue an order or direction calling for the record and to direct the respondent to set aside the order no. 614 dated 25-07-2023 as well as pay the pension to the petitioner without further delay along with interest @9% p.a. thereon till the actual payment is made.

(ii) Issue any suitable claim, order of direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

(iii) Award the cost of claim petition to the Petitioner."

2. The petitioner is retired Review Officer of Uttarakhand Secretariat. He was an employee of Garhwal Mandal Vikas Nigam Limited (for short, GMVN) before his services were absorbed in Uttarakhand Secretariat under the Absorption Rules, 2002. The petitioner prayed that a sum of Rs. 1,37,477/-, which was deposited/contributed by GMVN during his tenure of service in GMVN, be released to him with interest.

3. In the impugned order dated 25.07.2023 (Annexure: A 1), a reference of Rule 6 (7) of the *Uttarakhand Sachivalaya Vayaktik Sahayak, Avar Varg Sahayak, Sahayak Lekhakar, Tankak, Anusevak Ke Padon Per Sammviliyan Niyamwali, 2002* has been given to hold that as per the aforesaid Rules, it is not possible to release employer's contribution (in favour of the petitioner. *Prima facie*, there appears to be no infirmity in such order

4. It is the submission of Ld. Counsel for the petitioner that despite taking pension contribution, the employees of GMVN are not being paid pension. It is also the submission of Ld. Counsel for the petitioner that the employees of Uttarakhand Transport Corporation and Nagar Palika Parishad are being paid pension, but the employees of GMVN and KMVN are not being paid the same.

5. Ld. A.P.O. vehemently opposed the maintainability of the claim petition, *inter alia*, on the ground that it is not a PIL and the controversy raised in the claim petition by Ld. Counsel for the petitioner may be resolved by the Government only by taking a policy decision, in accordance with law.

6. Present petition has precisely been filed for paying pension to the petitioner. According to Ld. A.P.O., services of GMVN employees are not pensionable. They are not entitled to any pension.

7. The claim petition is disposed of by making a request to the respondents to take an appropriate decision, if they so like, whether the employees of GMVN and KMVN should be granted pension or not.

8. The claim petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties, by making a request to the respondents to take an appropriate decision, if they so like, on grant or non-grant of pension to the employees of GMVN and KMVN, in accordance with law. No order as to costs

6. Earlier the petitioner Sri Gajendra Singh Chauhan filed writ petition No. WPSB 449/2024 before the Hon'ble High Court, which was disposed of by the Hon'ble Court vide order dated 31.07.2024, as under:

"(2) According to petitioner, he served for 16 long years in Garhwal Mandal Vikas Nigam, which is a government company, and thereafter his services were absorbed in Uttarakhand Secretariat as Class IV employee on 23.12.2003. Petitioner has now retired on 31.10.2022. Grievance raised by the petitioner is against non-counting of services, which he rendered in GMVN. In this regard petitioner has made a representation.

(3) Learned State Counsel assures that decision on petitioner's representation, if not already taken, shall be taken expeditiously.

(4) Accordingly, writ petition is disposed of with Direction to Secretary, Secretariat Administration to take decision on petitioner's representation, as per law, within ten weeks from the date of production of certified copy of this order."

7. Today, Dr. N.K.Pant, Ld. Counsel for the petitioners, has placed photo copy of the notes and orders of the Secretariat, to submit that similarly placed employee Sri Buddhi Ballabh Mamgain and others were granted certain service benefits, which are being denied to them. Dr. N.K.Pant, Ld. Counsel for the petitioners, submitted that petitioners will

make a representation, seeking parity with Sri Buddhi Ballabh Mamgain and others, for redressal of their grievances, to Secretary SAD, Respondent No.1, who may kindly be directed to decide the representation of the petitioners, in a time bound manner, in accordance with law. Sri S.K. Jain, Ld. Counsel for Respondent No.2 and Sri V.P.Devrani, Ld. A.P.O., representing Respondent No.1, have no objection to such innocuous prayer.

8. The claim petition is disposed of, with the consent of Ld. Counsel for the parties, by directing Secretary SAD, Government of Uttarakhand, Respondent No.1, to decide the representation(s) of the petitioners by reasoned and speaking order, in accordance with law, as expeditiously as possible, without unreasonable delay on presentation of certified copy of this order, along with representation(s), enclosing the documents in support thereof.

9. Rival contentions are left open.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: DECEMBER 17,2025
DEHRADUN

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