

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
DEHRADUN**

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. Arun Singh Rawat

-----Vice Chairman (A)

CLAIM PETITION NO. 167/DB/2019

1. Dr. R.P. Bahuguna S/o Late Dr. Srikant Bahuguna aged about 72 years, Retd. Add. Director, Department of Animal Husbandry, Gopeshwar, Chamoli R/o 24/3, Circular Road, Dehradun.
2. Dr. V.P. Singh S/o Late K.P. Singh age about 69 years Retd., Add. Director, Department of Animal Husbandry, Gopeshwar Chamoli R/o 56/24, Vijay Enclave, canal Road, Jakhan, Dehradun.
3. Dr. D.N. Tyagi aged about 72 years Retd., Chief Veterinary Officer, Department of Animal Husbandry, District Haridwar.
4. Dr. Ramanand age about 7 years, Retd. Joint Director, Department of Animal Husbandry, Pashulok, Rishikesh.

.....Petitioners

Versus

1. State of Uttarakhand through Secretary, Animal Husbandry, Government of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Director, Department of Animal Husbandry, Uttarakhand, Banjarawala, Dehradun.
3. Government of Uttarakhand through Secretary Finance Secretariat Uttarakhand, Subhash Road, Dehradun.

.....Respondents.

Present: Sri L.K.Maithani, Advocate for the petitioners.
Sri V.P.Devrani, A.P.O. for the Respondents.

JUDGMENT

DATED: JANUARY 21, 2026.

Justice U.C.Dhyani (Oral)

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

- "1) To quash the impugned order dated 07.06.2019 of respondent No. 1 (Annexure No. A-1) declaring the same as null and void in the eyes of law and against the judgment and order dated 04.04.2018 passed in claim petition No. 13/ DB/2017.*
- 2) To issue an order or direction to the concerned respondent to comply with the judgment and order dated 04.04.2018 passed in claim petition N. 13/DB/2017 in its light and spirit and grant the benefit of IIIrd ACP to the petitioner w.e.f. 01.01.2006 under the G.O. dated 08.03.2011 and also grant penal interest @12% on the amount to be paid to the petitioner from the date of entitlement of benefit.*
- 3) To issue any other order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.*
- 4). To award the cost of the case."*

2. Sri L.K.Maithani, Ld. Counsel for the petitioners has filed copy of the judgment dated 05.07.2024, rendered by Hon'ble High Court in WPSB No. 260 of 2018, Dr. Virendra Pratap Singh vs. State of Uttarakhand.

3. Ld. Counsel for the petitioners submitted that this is 2nd round of litigation between the parties. In the 1st round, Claim Petition No.13/DB/2017 was filed by the petitioners before the Tribunal, which was decided *vide* judgment and order dated 04.04.2018. *Vide* judgment dated 04.04.2018, claim of Dr. Virendra Pratap Singh (petitioner No.5 in claim petition No. 13/DB/2017) was disallowed by the Tribunal.

4. Dr. Virendra Pratap Singh filed writ petition before the Hon'ble High Court against the order of the Tribunal dated 04.04.2018, being WPSB No. 260 of 2018, which has been decided by the Hon'ble Court *vide* judgment and order dated 05.07.2024, as under:

"By means of this writ petition, petitioner has sought the following relief:-

"i. A writ, order or direction in the nature of certiorari to quash and set aside the judgment and order dated 04.04.2018 passed by the learned Uttarakhand Public Services Tribunal at Dehradun in Claim Petition No.13/DB/2017 titled as Dr. R.P. Bahuguna and others Vs. State of Uttarakhand and others, whereby the claim petition of petitioner has been dismissed disallowed and consequently the claim petition filed by the petitioner may be allowed."

2. Petitioner along with four other officers of Animal Husbandry Department approached Uttarakhand Public Service Tribunal (hereinafter referred to as "Tribunal") claiming benefit of IIIrd A.C.P., by contending that he completed required 26 years of service on 10.01.1998, therefore he became eligible for IIIrd A.C.P. on 01.01.2006. His claim was denied by the Tribunal by holding that petitioner was given three promotions before 01.01.2006, therefore he is not entitled to get IIIrd A.C.P. Observation to this effect has been made in para nos.10 and 17 of the impugned judgment.
3. Learned counsel for the petitioner submits that claim petition was allowed qua other four persons and petitioners claim alone was disallowed. He further submits that observation made in para nos.10 and 17 of the impugned judgment that petitioner was promoted thrice, is factually incorrect. He submits that another person with similar name i.e., Dr. Vishwapal Singh, who retired as Additional Director on 31.12.2009, earned three promotions, but due to confusion, petitioner's claim was erroneously disallowed by learned Tribunal.
4. Learned counsel for the petitioner submits that petitioner was appointed as Veterinary Officer and he was promoted to the post of Deputy Director and no other promotion was given to him in his entire career while Dr. Vishwapal Singh, who retired on 31.12.2009 was given three promotions, initially to the post of Deputy Director, then Joint Director and lastly as Additional Director.
5. Learned State counsel was asked to get instructions on the aforesaid aspect.
6. Today, Mr. P.S. Bisht, learned Additional Chief Standing Counsel for the State has produced, in Court, written instructions received by him from Director, Animal Husbandry Department, which are taken on record.
7. Perusal of the instructions reveals that petitioner, (Dr. Virendra Pratap Singh) was appointed as Veterinary Officer on 28.01.1970; he was given only one promotion as Deputy Director on 17.07.2003; and thereafter, he retired on 31.07.2007. The other person named Dr. Vishwapal Singh was appointed as Veterinary Officer on 28.01.1970, he was first promoted as Deputy Director on 16.06.2006 and thereafter he was promoted as Joint Director on 30.03.2008 and lastly he was promoted as Additional Director on 25.07.2008. Thus the contention that the ground taken for disallowing petitioner's claim is factually incorrect, appears to be correct.
8. The information supplied by Director, Animal Husbandry reveals that petitioner was given only one promotion, thus the finding recorded by learned Tribunal for denying his claim is erroneous. The claim petition was filed by five persons, which was allowed qua other four persons and was

dismissed qua the petitioner on the ground that he has been given three promotions. In such view of the matter, a limited interference with the impugned judgment would be warranted.

9. Accordingly, the finding recorded in para nos.10 and 17 of the impugned judgment in respect of petitioner is set aside and the claim petition is allowed qua the petitioner also. Secretary, Animal Husbandry Department is directed to examine petitioner's claim for IIIrd A.C.P. as per law within eight weeks from the date of production of certified copy of this order."

5. Sri L.K.Maithani, Ld. Counsel for the petitioners submitted that the subject matter of present claim petition is squarely covered by the aforesaid decision rendered by Hon'ble High Court on 05.07.2024 WPSB No. 260 of 2018, Dr. Virendra Pratap Singh vs. State of Uttarakhand. Ld. Counsel for the petitioners, therefore, prays that since factual matrix of present claim petition along with law is the same, therefore, this claim petition be decided in terms of WPSB No. 260 of 2018.

6. Ld. A.P.O. also submitted that present claim petition is covered by the above mentioned judgment of Hon'ble High Court, which (decision) is binding on the Tribunal.

7. In view of the submissions made by Ld. Counsel for the parties and considering the peculiar facts of the case, the Tribunal is of the view that the claim petition is squarely covered by the decision rendered by the Hon'ble High Court on 05.07.2024 in WPSB No. 260 of 2018 and should be decided in the same terms.

8. The claim petition is, accordingly, decided in terms of the decision rendered by Hon'ble High Court in WPSB No. 260 of 2018, Dr. Virendra Pratap Singh vs. State of Uttarakhand, on 05.07.2024.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JANUARY 21, 2026
DEHRADUN