

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

Present: Hon'ble Mr. Rajendra Singh

----- Acting Chairman

Hon'ble Mr. Arun Singh Rawat

-----Vice Chairman (A)

CLAIM PETITION NO.169/SB/2024

Rajendra Singh Rawat, age 61 years, s/o late Sri S.S. Rawat, Assistant Conservator of Forest (Retired), presently residing at- New Dang, Srinagar, Pauri Garhwal.

.....**Petitioner**

vs.

1. The Secretary , Forest, Environment Protection and Climate Change, State of Uttarakhand Subhash Road, Dehradun.
2. The Head of Forest Force (HoFF), Uttarakhand Government, 85 Rajpur Road, Uttarakhand, Dehradun.
3. The Conservator of Forest, Garhwal Circle, Pauri Garhwal.
4. The Prabhagiya Vanadhikari, Rudraprayag Van Prabhag, Rudraprayag.
5. The Director of Pension & Entitlement, 23 Laxmi Road, Uttarakhand.
6. The Senior Treasury Officer, District Rudraprayag, Uttarakhand.

.....**Respondents**

Present: Sri Uttam Singh, Advocate, for the petitioner.
Sri V.P.Devrani, A.P.O., for the Respondents.

JUDGMENT

DATED: May 30, 2026

Sri Arun Singh Rawat, Vice Chairman (A)

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

“1 I) To direct the respondent to pay the arrear of pension from 1-6-2023 onwards till date of regular payment of pension/August, 2024 (Annexure No. A-1)

ii) To Direct the respondents to pay interest @ 12% on delayed payment of retiral benefits etc from 01-6-2023 to till date of actual payment.

iii) Award the cost of the petition to the petitioner.”

2. Facts, in brief, of the present claim petition are as follows:

2.1 The petitioner was appointed as Forester on 18.05.1983 and later appointed as Assistant Development Officer (Forest) on 14.07.1997 in the revised pay scale of Rs. 4000-100-8000. He was subsequently promoted as Dy. Ranger on 15.08.2002 and, under the 6th Pay Commission, was granted the revised pay scale of Rs. 9300-34800 with Grade Pay of Rs. 4200 w.e.f. 01.01.2006. He was granted the 3rd ACP in the Grade Pay of Rs. 4800 on 03.06.2009 and was formally promoted as Ranger on 27.01.2014. Thereafter, he was promoted as Assistant Conservator of Forest on 02.06.2022 with Grade Pay of Rs. 5400. The respondents introduced ACP benefits on promotional post basis vide order dated 06.11.2013 with retrospective effect.

2.2 The petitioner submitted a representation to the Chief Conservator of Forest, Dehradun seeking sanction of ACP benefits from 01.11.2013. He retired from service on 31.05.2023, but his retiral benefits, including pension, were not released in time. Consequently, he submitted a representation dated 25.03.2024 for early release of pensionary dues. Subsequently, the Directorate of Pension, Dehradun raised objections in the service book vide letter dated 02.05.2024. Although provisional pension was sanctioned on 13.06.2024, the same was never paid.

2.3 The respondents issued the PPO on 14.08.2024, however, arrears of pension and interest on delayed payment were not released. On 20.09.2024, Respondent No. 4 addressed the Senior Treasury Officer, Rudraprayag for payment of arrears. Under the

Uttarakhand Pension Rules, 2003, the respondents were required to ensure timely payment of retiral dues. Due to delay in payment of pension, gratuity, and arrears, the petitioner claims entitlement to interest at the rate of 12% per annum on the delayed retiral benefits and other outstanding dues.

3. Claim petition has been contested on behalf of respondents. Three separate Counter Affidavits have been filed on behalf of Respondents No. 1,2,3 & 4, Respondent No. 5 and Respondent No.6.

4. In the C.A. filed on behalf of Respondent No.5, it has been submitted that the Divisional Forest Officer, Rudraprayag Forest Division, forwarded the pension case of the retired petitioner, Shri Rajendra Singh Rawat, to the Directorate of Treasury, Pension and Entitlement, Uttarakhand, through letter dated 22.02.2024. The Directorate, vide letter dated 02.05.2024, returned the original pension case with certain objections and directed the department to remove the objections and resubmit the matter along with online forms for further action. After compliance of the objections, the pension case was again forwarded on 22.07.2024. Thereafter, vide letter dated 14.08.2024, the Directorate issued the pension, gratuity, and commutation authority for payment through the Treasury, Rudraprayag. Accordingly, it was clarified that no delay occurred at the level of Respondent No. 5 in processing the pension case.

4.1 It is further stated that, under Government Order dated 17.04.2015 issued by Finance Section-6, Government of Uttarakhand, verification of the pension amount requires examination of the employee's pay scale, revised pay scale, ACP benefits, promotions, annual increments, and salary drawn from the date of implementation of the last Pay Commission till retirement. Responsibility for earlier pay fixation lies with the departmental authorities, while Finance Controllers and Accounts Officers are required to ensure verification of previous pay fixation of all employees before pension approval.

5. In the C.A. filed on behalf of Respondent No.6, it has been stated that the Directorate of Treasury, Pension and Entitlement, Uttarakhand issued the PPO dated 14.08.2024 for payment of pension to the petitioner, a retired Sub-Divisional Forest Officer. Pursuant to the PPO, the Treasury, Rudraprayag, calculated and released pension arrears, gratuity, and commutation amounts, and payment was made on 04.09.2024. Subsequently, on the petitioner's request on 15.12.2024, the pension file was transferred to the Sub-Treasury, Srinagar, Pauri on 19.12.2024.

5.1 The respondents further contended that the claim petition is barred by limitation. According to them, the petitioner retired on 31.05.2023 and, under Section 5(1)(b)(i) of the Uttar Pradesh Public Services (Tribunal) Act, 1976 (as applicable to Uttarakhand), the limitation period expired on 31.05.2024, whereas the claim petition was filed on 21.11.2024 after a delay of more than six months. It is therefore asserted that the Tribunal has no power to condone the delay and the petition is liable to be dismissed on this ground alone.

6. Respondents No. 1, 2, 3 & 4, in their C.A. have asserted that the petitioner was appointed as Van Daroga on 18.05.1983 and was subsequently promoted to Assistant Development Officer, Dy. Ranger, Range Officer, and finally Assistant Conservator of Forest. He retired on 31.05.2023 from the post of Assistant Conservator of Forest.

6.1 Before retirement, the petitioner sought grant of 2nd ACP from 03.06.2007 and 3rd ACP from 03.06.2009. On the recommendation of the Screening Committee, both ACP benefits were sanctioned and revised pay fixation was carried out. Consequently, arrears of salary and pension amounting to Rs. 9,73,900/- were paid to the petitioner.

6.2 The respondents also stated that disciplinary proceedings had earlier been proposed against the petitioner for alleged non-compliance of directions while acting as Inquiry Officer in a

departmental inquiry. The inquiry reports submitted by the petitioner on 06.09.2022 and 02.11.2022 were repeatedly found incomplete and misleading, as no clear findings were recorded regarding the absence of the suspended employee, Pushpendra Singh Rauthan. The reports were returned several times by Respondent No. 4 through letters dated 30.09.2022, 30.11.2022, and 04.03.2023 with directions to furnish a fair, complete, and impartial inquiry report. Despite repeated opportunities and instructions from higher authorities, the petitioner failed to conduct the inquiry properly, which was treated as negligence, misconduct, and dereliction of duty in violation of Rule 3(1) and 3(2) of the Uttaranchal Government Servant Conduct Rules, 2002. Consequently, a proposal for initiation of disciplinary proceedings was forwarded on 15.04.2023.

6.3 The respondents further stated that the delay in payment of pension and gratuity was not attributable to the department, but occurred because disciplinary proceedings were pending against the petitioner on the date of retirement *i.e.* 30.05.2023. In view of Section 12(1) of the Uttarakhand Retirement Benefits Act, 2018, only interim pension was admissible during pendency of the proceedings. The details of the admissible post retiral dues *i.e.* GPF, Leave Encashment and GIS paid to the petitioner within time, are as under:

S. No.	Name of retiral dues	Date of payment	Amount in Rs.	Treasury Voucher and date
1	90% GPF	14.09.2023	9,45,239/-	B80090018 14.09.2023
2.	10% GPF	15.09.2023	1,17,309/-	B80090014 15.09.2023
3.	Leave Encashment	10.11.2023	9,23,000/-	A20710063 10.11.2023
4.	Remaining Leave Encashment balance	22.10.2024	86,620/-	A20710063 22.10.2024
5.	GIS	29.07.2023	1,22,297/-	B80110020 29.07.2023
	Pension (June 2023 till August 2024)	04.09.2024	7,88,499/-	A20710012 04.09.2024

6.4 It has been stated that other retiral dues such as GPF, Leave Encashment, GIS, and arrears of pension were released within time. Thereafter, interim pension was sanctioned from 01.06.2023 to 31.05.2024 and final pension orders were issued on 14.08.2024 after completion of proceedings. The respondents contended that the claim for interest on delayed payment of pension and gratuity is legally unsustainable. It was additionally stated that since 40% of the pension had been commuted, an amount of Rs. 2,13,300/- remained liable for adjustment, and therefore the claim petition is devoid of merit and liable to be dismissed.

7. Rejoinder Affidavit has been filed on behalf of the petitioner, reiterating the averments mentioned in the petition

8. We have heard the arguments of the Learned Counsel for the petitioners as well as Learned APO and perused the documents brought on record.

9. Learned counsel for the petitioner argued that the petitioner retired from the post of the Asstt. Conservator of Forests on 31.5.2023. His pension (from June 23 to August 24) was paid on 4.9.2024 . There was delay in payment of the pension of different months. The petitioner is liable to get interest on the delayed payment of pension @ 12 % per annum from the day it was due to the date of the actual payment and the claim petition is liable to be allowed.

10. Learned APO argued that there was a proposal to initiate disciplinary proceeding against the petitioner, which was submitted by the Respondent No.3 to the Principal Chief Conservator of Forests(HoFF) the Respondent No 2 . The matter remained pending for the decision at the level of Respondent No 2, and in the meantime the petitioner retired on 31.5.2023. The Respondents No 2 did not find the proposal suitable to initiate the disciplinary proceeding against the petitioner and conveyed the decision on 24.2.2023 to the Respondent No. 3.

11. So, the delay in payment of pension was not due to the respondents but it was due to the pending disciplinary proceeding against the petitioner. As soon as the disciplinary proceedings were dropped against the petitioner, the petitioner was paid the retiral dues. In view of the facts mentioned above the claim petition is liable to be dismissed.

12. Based on the arguments of the parties and the documents presented to the Tribunal, the Tribunal finds that the petitioner retired as Asstt. Conservator of Forests on 31.5.2023. He was paid pension and remaining leave encashment in the month of September 2024 and October 2024. The argument of the learned APO that there was a disciplinary proceeding pending against the petitioner on the date of the retirement, is not correct. There was a proposal submitted by the Respondent No. 3 to the Respondent No 2 for initiation of the disciplinary proceeding on 15.04.2023 (Copy: Annexure- C.A.-R-1 to the supplementary C.A.). The proposal was not accepted by the Respondent No. 2 vide letter dated 24.02.2024 ((Copy: Annexure- C.A.-R-2 to the supplementary C.A.). So, there was no disciplinary proceeding pending against the petitioner which was the sole basis of withholding the payment of pension to the petitioner.

13. The Uttarakhand Pension (Submission, Disposal and Avoidance of Delay) Rules 2003, and the order dated 10.08.2004 of Finance Department Govt. of Uttarakhand has fixed a time period of three months for payment of pensionary benefits to the retired person and thereafter interest on the delayed payment as per prevailing rates of interest of GPF will be paid to the retired person.

14. It is clear that there was a delay in payment of pension to the petitioner. Hence, the respondents are liable to pay the interest on the delayed payment of the pension to the petitioner at the prevailing rate of interest of GPF for the period after three months of retirement (from 1.9.2023) till the actual date of payment. The claim petition is liable to be allowed.

ORDER

The claim petitioner is allowed. The respondents are directed to pay the interest on the delayed payment of the pension at the prevailing rate of interest of GPF w.e.f. 1.9.2023 till the date of actual payment. No order as to cost.

(RAJENDRA SINGH)
ACTING CHAIRMAN

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

DATE: MAY 30, 2026.
DEHRADUN

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