

c) To direct the respondents to pay the salary of termination period i.e. 11.3.2008 to 29.4.2017

d) To direct the respondents to fix the seniority of petitioner from his initial date of appointment i.e. 11.10.2001, ignoring the termination period

e) To direct the respondents to transfer the petitioner from armed police to civil police as he was appointed in civil police.

2. Learned Counsel for the petitioner submitted that the respondent authority has not paid the salary to the petitioner as given to other similarly situated constables, who were appointed by same selection year. The petitioner had moved representation before the respondent along with copy of order passed by this Tribunal (in the claim petition filed by the petitioner earlier), but the respondent authority decided the same against the facts and circumstances and against the service rules vide impugned order dated 27.12.2021. While passing the order, the respondent, on one hand, demoted the petitioner for a period of one year on minimum salary of the post of Constable and on other hand also deprived the petitioner from salary of termination period i.e. 11.3.2008 to 29.4.2017 and further the petitioner is entitled for the seniority from his initial date of appointment i.e. 11.10.2001. It is further submitted that the petitioner was appointed in the Civil Police and the similarly situated constables appointed with the petitioner are working in the civil police, but the petitioner has not been transferred to civil police. The petitioner was kept in minimum pay scale for one year from the joining of service, the petitioner joined his service on 29.04.2017 and completed one year in the month of March 2018, but the respondent authority has not paid the full salary to him for which he is legally entitled. For the grant of full salary and other benefits, seniority and salary of termination period, the petitioner made representation before the respondent authority, but the respondent authority has not paid any heed to the said representation of petitioner.

3. It is the submission of learned A.P.O. that the petitioner has been granted promotion from the post of Constable (Armed Police)

to the post of Head Constable (Armed Police) vide Order No. DG-VII-88/2023 (4) dated 26.12.2023, issued by the Deputy Inspector General of Police (Personnel), Uttarakhand, Dehradun. Currently, the Petitioner is posted as Head Constable (Armed Police). After completion of the one-year penalty period, during which, the petitioner was reverted to the post of Constable at the minimum pay scale vide order dated 21.11.2017, his pay was subsequently re-fixed vide Order No. V-34/2017 dated 02.01.2019 and the petitioner was granted a basic pay of Rs. 23,700/- under the 7th Pay Commission scale, effective from 29.04.2017 (the date of his reinstatement into service after his dismissal), along with outstanding annual increments effective from 01.01.2018 and 01.01.2019. However, the salary for the specific period during which he was placed at the 'minimum pay', was calculated strictly in accordance with the minimum pay, applicable to the post of Constable. Since, the petitioner remained under dismissal from service from 11.03.2008 to 28.04.2017, he was not granted the benefit of any annual increments for this specific period, resulting in, the petitioner is currently drawing a lower salary than similarly situated persons. The seniority of the petitioner is being computed from the date of his recruitment, i.e., 11.10.2001. However, due to the unsatisfactory nature of his service during the period of his dismissal, he is not entitled to the benefits of annual increments, time-scale pay or ACP.

4. After hearing learned Counsel for the parties to some extent, learned Counsel for the petitioner confined his prayer to the extent that petitioner shall move a detailed fresh representation to the respondent authorities, in respect of payment of full salary of the post of Constable w.e.f. April 2018 and arrears alongwith interest and also for payment of the salary of termination period i.e. 11.3.2008 to 28.4.2017. He requested that the respondent authorities may kindly be directed to decide the representation, which shall be moved by the petitioner, within a reasonable period.

5. Learned A.P.O. has no objections to the innocuous prayer made by learned Counsel for the petitioner.

6. In view of the above, the petitioner shall move a detailed fresh representation with certified copy of this order, to the respondent authorities, within 15 days, who shall decide the representation of the petitioner, in respect of payment of full salary of the post of Constable w.e.f. April 2018 and arrears alongwith interest and also for payment of the salary of termination period i.e. 11.3.2008 to 28.4.2017, by a reasoned and speaking order, within three months, from the date of presentation of certified copy of this order along with fresh representation.

7. Accordingly, the claim petition is disposed of. No order as to costs.

A.S.RAWAT
VICE CHAIRMAN (A)

RAJENDRA SINGH
ACTING CHAIRMAN

DATED: APRIL 23, 2026
DEHRADUN
KNP