

**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. 74/SB/2026

Sri Madan Lal, age 60 years, Peon (Retd.) from the office of DLC, Ajabpur Kalan, s/o late Sri Darshan Lal, R/o 72-Ilgah Kumhar Mandi, Dehradun.

.....Petitioner

VS.

1. The Secretary (Labour), Government of Uttarakhand, Secretariat, Dehradun.
2. The Labour Commissioner, Shram Bhawan, Nainital Road, Haldwani.
3. The Dy. Labour Commissioner, Ajabpur kalan, Himgiri Vihar, Dehradun.
4. The Directorate of Pension & entitlement 23 laxmi Road, Dehradun.

.....Respondents

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

JUDGMENT

DATED: JULY 16, 2026

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

“(i)To direct the respondents to release the Pension, gratuity, leave encashment, GIS, Commutation value etc. due to superannuation from service w.e.f. 31-1-2026.

(ii)To pay the interest @ 10% on the delayed payment of retiral benefits till the order of payment.

(iii)To pass any other suitable order, which the Hon'ble Tribunal may deem fit and proper on the basis of facts and circumstances of the case.

(iv)Award the cost of the petition to the petitioner.”

2. The claim petition is supported by the affidavit of petitioner. Relevant documents have been filed along with the same.

3. The petitioner served as a Class-IV employee under the respondent department and was granted financial upgradations under the ACP/MACP Schemes and revised pay scales from time to time, all of which were fixed by the department itself. The petitioner had no role in the fixation of pay and did not obtain any financial benefit by fraud or misrepresentation. Upon retirement, despite there being no departmental or criminal proceedings pending against him, the respondent failed to release his pension and other retiral dues. Even after repeated representations and an RTI application, the petitioner was informed that his pay had been re-fixed retrospectively and an amount of ₹1,93,843/- was treated as excess payment on account of alleged wrong pay fixation.

4. Aggrieved by the withholding of pensionary benefits and the proposed recovery from his retiral dues, the petitioner has filed the present claim petition contending that recovery from a retired Class-IV employee is impermissible in view of the law laid down by the Hon'ble Supreme Court in *State of Punjab v. Rafiq Masih*. The petitioner further submits that the delay in releasing pension, gratuity and other retiral benefits is contrary to the applicable service rules and Government Orders, and seeks release of all retiral dues along with interest on the delayed payment.

5. Ld. Counsel for the petitioner submitted that petitioner will make a representation to Respondent No.2, copy to Respondent No.3, regarding his grievance. He prayed that the direction may kindly be given to the respondent authority to decide the representation of the petitioner, by a reasoned and speaking order, in accordance with law within the stipulated time period.

6. Ld. A.P.O, has no objection to such innocuous prayer of Ld. Counsel for the petitioner, if a direction is given to the authority concerned to decide the representation of the petitioner, as per rules.

7. Respondent No.2, is directed to decide the representation of the petitioner, considering it as an urgent matter as the matter relates to the payment of retiral dues of the petitioner, by a reasoned and speaking order, in accordance with law, as expeditiously as possible, but not later than four weeks of presentation of certified copy of this order along with representation, enclosing the documents in support thereof.

8. Accordingly, the claim petition is disposed of, at the admission stage.

9. Rival contentions are left open.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(RAJENDRA SINGH)
ACTING CHAIRMAN

DATE: JULY 16, 2026.
DEHRADUN

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