

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCH AT NAINITAL**

Present: Hon'ble Mr. Rajendra Singh

----- Acting Chairman

Hon'ble Mr. A.S.Rawat

-----Vice Chairman (A)

REVIEW PETITION NO. 18/NB/DB/2025
(Arising out of the judgment dated 28.10.2025, passed in
Claim Petition No. 47/NB/DB/2024)

Girish Chandra Arya (Male) Aged about 60 years Adhaar No. 926976221032 S/o Sri
Prem Ram Arya R/o Village Mathela P.O. Daula District Almora.

.....**Petitioner/Review applicant**

Vs.

1. State of Uttarakhand through its Secretary Panchayati Raj Uttarakhand
Secretariat Dehradun.
2. Director, Directorate Panchayati Raj, Sahastradhara Road Near I.T. Park Danda
Lakhund Dehradun 248013.
3. Chairman Zila Panchayat Nainital
4. Apar Mukhya Adhikari Zila Panchayat Nainital.

.....**Respondents**

Present: Sri G.C.Kandpal, Advocate for the petitioner/review applicant
Sri Kishore Kumar, APO for the Respondents

JUDGMENT

DATED: AUGUST 03, 2026

Present review application has been filed by the petitioner to review the judgment and order dated 28.10.2025 passed by this Tribunal in Claim Petition No. 47/NB/DB/2024, Girish Chandra Arya vs. State of Uttarakhand & others. In the review application, the petitioner has taken the following grounds:

- i. The past services of the petitioner i.e. since 1994 are also not counted for his retiral benefit which is manifest error on the face of record.
- ii. It is also not discussed in the judgment and order that what is the effect of the order passed by appointing authority on 04.01.2001 in absence of any refusal or cancellation of the said order.

iii. The joining letter of the petitioner and dispatch register which was received by him long before at the time of joining and were kept in his parental house at Village Mathela P.O. Daula District Almora which he had forgot and found while sorting out the old documents in the month of December, then he is filing this review application for the proper adjudication and correction of the order passed by the Hon'ble Tribunal.

iv. The review of the judgment is also necessary on the ground that joining letter found by the petitioner was not within the knowledge of the applicant/petitioner even after the exercise of due diligence.

v. It is also relevant to mention here that according to the respondents, the applicant/petitioner was regularized on the post of peon on 16.04.2007 and immediately after 5 months he was promoted to the post of 2nd Grade Clerk by the chairman without intimating him about prior order dated 04-01-2001 which was still in existence. The further promotion was given to the applicant after thirteen years i.e. on 01.07.2020. The fact shows that there has been grave injustice with the applicant during his service tenure. The applicant is fully entitled for the grade pay 4200/- in view of the services rendered by him in the said department since 1994.

vi. Learned A.P.O. had produced a copy of dispatch register at the time of arguments but the same was taken into consideration, according which the applicant was appointed on the post of 2nd Grade Clerk in 2001.

vii. The order passed by the appointing authority on 04-01-2001 was duly implemented on the same date when the applicant moved an application for joining and joined the said post.

2. The review application has been opposed on behalf of the respondents. It has been stated that the claim petition was decided on merits and each and every aspect of the case has been discussed and there is no illegality or infirmity in the judgment and hence, the judgment passed by this Tribunal is correct and there is no scope of review, as the scope of review is very limited.

3. The original claim petition was decided by this Tribunal vide order dated 28.10.2025, with the following observations:

“8. Based on the argument of the learned counsels for the parties and the documents presented to the Tribunal, we find that the petitioner was appointed as Class-IV employee in the Zila Panchayat Office, Nainital vide order dated 12.06.2001, which he joined on the same day. He was regularized on the post of peon vide order dated 16.04.2007 w.e.f. 01.04.2007 of Chairman Zila Panchayat. He was appointed on the post of 2nd grade Clerk vide order dated 21.09.2007 of the Chairman of the Zila Panchayat, which he joined on the same day. The order dated 14.01.2001 of the Chairman, Zila Panchayat, Nainital appointing him on the post of 2nd Grade Clerk was not implemented and there is no joining letter also from the petitioner in support of his being appointed to the post of 2nd Grade Clerk rather he gave joining on the post of the 2nd grade clerk on 21.09.2007. So, he cannot be considered to have been appointed on the post of 2nd Grade Clerk on 14.01.2001. The petitioner was granted 1st ACP under MACP Scheme w.e.f. from 21.09.2017 vide order dated 20.03.2018. Even he has requested vide his letter dated 17.01.2018 addressed to the Additional Chief Executive officer that he has completed 10 years of service and he may be considered for grant of benefit of 1st ACP. Further the petitioner was promoted on the post of the Senior Asstt. vide order dated 01.07.2020. He made many representations to the higher authorities in the department for promotion on grade pay of Rs. 4200/-. He was informed by the department that there is no provision to grant grade pay of Rs 4200/- to the Senior Asstt. and the petitioner cannot be promoted to the post of the Head Asstt. also. There were three posts of Head Asstt. and no post was vacant for promotion. The petitioner got two promotions and benefit of one ACP during his service career, so he cannot be given another promotion under ACP also.”

4. By way of this review application, the review applicant wants to review the whole findings given by the Tribunal. The Tribunal had drawn a reasonable and justifiable conclusion after hearing the arguments of both the parties, perusing the record carefully and also discussing each and every aspect of the matter, passed the detailed judgment on merits. The contentions raised by the petitioner were dealt with and discussed at the time of passing the judgment by the Tribunal. Therefore, it cannot be said that there was any manifest error in the judgment.

5. Moreover, the scope of review is very limited to the extent of (i) clerical or arithmetical mistakes (ii) error apparent on the face of record and (iii) for any other ‘sufficient reason’. The review applicant has not been able to show the error apparent on the face of record in the judgment and also did not able to show ‘sufficient reason’ that the review petition is maintainable and should be allowed. The same Court

will not act or sit as an Appellate Court while hearing review petition. It may review only those errors which are apparent on the face of record. We do not find that there is any mistake or error, which are appearing on the face of record. So, we do not find any reason for review of the judgment. Therefore, the application for review is devoid of merit and is liable to be dismissed.

ORDER

The review application is hereby dismissed. No order as to costs.

(A.S.RAWAT)
VICE CHAIRMAN (A)

(RAJENDRA SINGH)
ACTING CHAIRMAN

DATE: AUGUST 03, 2026
DEHRADUN
KNP