

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

Present: Hon'ble Mr. Rajendra Singh

.....Vice Chairman (J)

Hon'ble Mr. A.S.Rawat

.....Vice Chairman (A)

CLAIM PETITION NO. 49/NB/DB/2024

Sri Naveen Chandra Kothari, aged about 58 years, S/o Sri B.D. Kothari, Senior Clerk, Uttarakhand Transport Corporation.

..... **Petitioner**

versus

1. State of Uttarakhand through Secretary, Transport, Government of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Managing Director, Uttarakhand Transport Corporation, Office of the Transport Commissioner, Kulhan Sahastradhara Road, Dehradun.
3. General Manager (Administration), Nigam HQ, Uttarakhand Transport Corporation, Office of Transport Commissioner, Kulhan, Sahastradhara Road, Dehradun.
4. Assistant General Manager, Uttarakhand Transport Corporation, Pithoragarh Depot.
5. Divisional Manager (Operation), Uttarakhand Transport Corporation, Tanakpur.

..... Respondents

Present: Sri R.C. Raturi and Sri L.K. Maithani, Advocates,
for the petitioner

Sri Kishore Kumar, A.P.O. for the respondent no. 1 (online)
Sri Shobhit Joshi, Advocate, for the respondents no. 2 to 5
(online)

JUDGMENT

DATED: 19.05.2025

This claim petition has been filed by the petitioner for following reliefs:

- “(i) *To declare that a punishment given in the departmental proceedings initiated for the act/misconduct of previous service cannot be given or made effective in the new and other service, therefore refixation of pay and changing the date of 10 years pay scale and taken away the benefit of 20 years pay scale and third ACP grade pay 4200/- by the respondents is wrong and illegal..*
- (ii) *To declare that on the basis of quantity of the punishment/penalty the several years of an employee cannot be made adverse, therefore on the basis of punishment of withholding four increments with cumulative effect the four years service of the petitioner which are otherwise good and satisfactory, cannot be made adverse for the purpose of 10/20 years pay scale and ACP.*
- (iii) *To issue an order or direction to the respondents to restore the 10 years and 20 years pay scale and benefits of third ACP grade pay 4200 of the petitioner along with the benefit of voluntary family welfare allowance of the year 2008 to the petitioner.*
- (iv) *To quash the impugned office order dated 15.09.2020 (Annexure No. A-5) of respondent No. 5, impugned office order dated 26.12.2020 (Annexure No. A-7, A-8 and A-1) and office order dated 09.03.2022 of respondent No. 3 (Annexure No. A-2) with its effect and operation.*
- (v) *To issue an order or direction to the respondents to made no recovery from the petitioner on the basis of said refixation and amount of pay.*
- (vi) *To issue any other order or direction which this court may deem fit and proper in the circumstances of case in favour of the petitioner.*
- (vii) *To award the cost of petition.”*

2. Learned Counsel for the petitioner submitted that the petitioner has moved a representation on 26.03.2025 before Managing Director, Uttarakhand Transport Corporation, Transport

Commissioner Officer, Kulhan, Dehradun, which is pending for consideration.

3. Sri Shobhit Joshi, learned Counsel for the respondent Corporation submitted that the appropriate authority is Divisional Manager (Operation), Uttarakhand Transport Corporation, Kathgodam and not respondent no. 2.

4. Learned Counsel for the petitioner submitted that he will move fresh representation to Divisional Manager (Operation), Uttarakhand Transport Corporation, Kathgodam, which may kindly be directed to be decided in accordance with law, in a time bound manner

5. Learned Counsel for respondent Corporation has no objection to such innocuous prayer of learned Counsel for the petitioner.

6. The claim petition is disposed of, at the admission stage, with the consent of learned Counsel for the parties, by directing Divisional Manager (Operation), Uttarakhand Transport Corporation, Kathgodam to decide the representation of the petitioner by a reasoned and speaking order, in a time bound manner, in accordance with law, preferably within 02 months of presentation of certified copy of this order along with fresh representation enclosing the documents in support thereof. No order as to costs

A.S.RAWAT
VICE CHARMAN (A)

RAJENDRA SINGH
VICE CHARMAN (J)

DATED: 19th May, 2025
DEHRADUN
RS