

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

Present: Hon'ble Mr. Rajendra Singh

.....Acting Chairman

Hon'ble Mr. A.S. Rawat

.....Vice Chairman (A)

CLAIM PETITION NO. 94/DB/2020

Chandrasen, aged about 67 years, S/o Shri Duli Chand, R/o Gitanjali
Enclave, Lane No. 2 near Doon University, Kedarpuram, Dehradun

.....Petitioner

versus

1. State of Uttarakhand through its Secretary, Tourism,
Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Secretary, Government of Uttarakhand, Tourism, Secretariat,
Subhash Road, Dehradun.
3. Dr. (Smt.) Abha Bhatt, Retd. Joint Director (Tourism) near Block
Office, Madhuban Colony, Phase-2, Lohariusal Talla,
Haldwani, District Nainital.

..... Respondents

Present: Sri L.K. Maithani, Advocate, for the Petitioner
 Sri V.P. Devrani, A.P.O., for the Respondents

Judgement

Dated: 01st September, 2026

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

“(i) the impugned order (ANNEXURE-A1) be kindly held illegal, wrong, discriminatory, against above G.Os., orders and principles of natural justice and be kindly quashed and set aside.

(ii) the petitioner be kindly held entitled to get from the respondent no.1 Grade Pay Rs.7600/-w.e.f. 01.01.2006 and Grade Pay Rs.8700/-and pay in Band Pay 4 w. e .f.06.05.2011 and the respondent no. 1 and no.2 be kindly ordered and directed to pay to the petitioner the difference of pay, D.A., other allowances and retiral benefits including pension along with interest @ 9% per annum thereon from the date of accrual till the actual date of payment.

(iii) the petitioner be kindly allowed against the respondents any other relief in addition to or in modification of the above reliefs as this Hon'ble Tribunal deems fit and proper in the context of the facts and law of this claim petition; and.

(iv) Rs.20,000/- as costs of this claim petition be kindly awarded to the petitioner against the respondent no.1 and 2.”

2. Brief facts, giving rise to present claim petition, are as follows:

2.1. The petitioner was substantively appointed as Regional Tourist Officer w.e.f. 06.05.1985 in the then existing pay scale of Rs. 850-1720. The said scale of pay was revised to Rs. 2250-4000 w.e.f. 01.01.1986 and Rs.8000-13500 w.e.f. 01.01.1996.

2.2. The petitioner was promoted to the post of Assistant Director (Tourism) w. e. f. 18.05.1993 to then existing pay scale of Rs.2350-4300/-. The said pay scale was revised to Ra.8550-14600/- w. e. f. 01.01.1996. Subsequently the petitioner was promoted to the post of Deputy Director (Tourism) w.e.f. 23.02.2004 in the pay scale of Rs.10000-15200/-.

2.3. That on above revision of scales of pay, the pay scale of Rs.8000-13500 of the post of Regional Tourist Officer was revised to Pay Band-3, Rs.15600-39100 with Grade Pay Rs.5400/- The Pay Scales of the post of Assistant Director (Tourism) Rs.8500-14600, Pay Scale Rs.10000-15200/- of the post of Deputy Director (Tourism) and Pay Scale Rs. 10650-15850/- were merged and revised to Rs.15600-39100 in Pay Band 3 with Grade Pay Rs.6600.

2.4. Respondent No. 1 had issued G.O. dated 17.10.2008 for fixation/ regulation of pay of its officers/ employees in the revised pay scale w.e.f. 01.01.2006. Para 12 of the said G.O. provides that promotion shall be possible by two modes; one by promotion from one Grade Pay to another Grade Pay, and another from one Pay Band to another Pay Band. On 01.01.2006 the petitioner was holding the post of Deputy Director (Tourism), which was next above the post of Assistant Director (Tourism). So the petitioner was entitled to the Grade Pay of Rs.7600/-, but the respondent no.1 and no.2 illegally, wrongfully and against Para 12 had allowed to the petitioner Grade Pay Rs.6600/-, which was also given to the next below post of Assistant Director (Tourism). Therefore, the petitioner was deprived of the benefit of promotion from the post of Assistant Director (Tourism).

2.5. Smt. Abha Bhatt, Respondent No. 3. who joined the post of Regional Tourist Officer after 8 years of the joining of the petitioner, was given Grade Pay Rs.7600/- while granting 2 ACP benefits i.e. Deputy Director (Tourism). The respondent no. 1 has illegally, wrongfully and discriminately denied the petitioner Grade Pay Rs.7600/- as was granted to Smt. Abha Bhatt, Respondent no.3. Respondent No. 1 vide G.O. No. dated 08.03.2011 had introduced a Policy of Assured Career Progression in the service career of an officer/employee, whereby an officer/employee was assured benefits of three financial upgradation; 1st on completion of continuous and satisfactory 10 years' service; 2nd on completion of 18 years (subsequently reduced to 16 years) continuous satisfactory service; and 3rd on completion of 26 years continuous satisfactory service. So far the petitioner is aware, the above GO. was modified by G.Os. dated 07.04.2011, 30.10.2012 and 01.07.2013.

2.6. Apart from the provisions of the above G.O.s., in accordance with law and principles of natural justice, in no case the senior will be allowed to draw pay less than his junior. Also sub-

para (4) of para (2) of the above GO. dated 30.10.2012, inter-alia, provides that if an employee is promoted and his Grade Pay, under the ACP scheme is less than the Grade Pay given to his junior, the senior employee will be allowed same Grade Pay as of his junior treating/considering that he becomes eligible after coming into force the Assured Career Progression Policy. On completion of 26 years' continuous satisfactory service from the date of initial joining, vide office order dated 23.12.2011 the respondent no. 1 had illegally, wrongfully, against Assured Career Progression Policy and principles of natural justice had allowed to the petitioner Grade Pay Rs.7600/- instead of pay in Pay Band 4 with Grade Pay Rs.8700/- w.e.f. 06.05.2011. Later on, the petitioner was substantively promoted to the post of Joint Director (Tourism) and illegally and wrongfully granted Rs.7600/- in Pay Band 3. On attaining 60 years of age of superannuation, the petitioner had retired from the services on 30.06.2013.

2.7. On failure of the respondents no. 1 and 2 to respond to the repeated personal requests, representation dated 03.05.2013 and reminder dated 24.09.2014 of the petitioner, the petitioner was compelled to file before this Tribunal a Claim Petition No.38/SB/2015. On 26.04.2018 this Hon'ble Tribunal had disposed of the above Claim Petition with direction to respondent no.1 to decide the representation of the petitioner by a reasoned and speaking order in accordance with law. On 24.08.2018, the respondent no. 2 without considering the above G.O.s., law, rules, orders and against principles of natural justice had summarily rejected the above representation dated 03.05.2013 of the petitioner.

2.8. Against the above order dated 24.08.2018 of respondent no. 2, the petitioner had filed before this Tribunal Claim Petition No. 82/DB/2018 Chandrasen vs. State of Uttarakhand & others. The said claim petition was decided by this Tribunal vide its judgment dated 22.05.2019. In its judgment the Tribunal has held that while

drafting G.O. dated 01.07.2013, para 2(4) of GO. dated 30.10.2012 has not been interfered and it appears that the Screening Committee had not gone into the said G.O. dated 30.10.2012. In para no. 20 of its judgment this Tribunal has also held that on deeper consideration of G.O. dated 01.07.2013 it is found that the amendments to the explanation of Govt. Orders dated 08.03.2011 and 07.04.2011 as have been mentioned in para 2(4) of G.O. dated 30.10.2012 still remain in force. The same has not been obliterated while drafting GO. dated 01.07.2013. It has also been held that certain paras of GO. dated 30.10.2012 have although been amended, apart from other Govt. Orders, but para 2(4) of G.O. dated 30.10.2012 remains intact.

2.9. The Tribunal had inter-alia set aside order dated 24.08.2018 and remitted the matter to respondent no. 1 to decide the representation of the petitioner, afresh, in the light of G.O. dated 01.07.2013 read with para 2(4) of GO. dated 30.10.2012 and proviso to sub-para (b) of para 2 of G.O. dated 08.03.2011 in accordance with law and after affording an opportunity of hearing to the petitioner as well as Dr. Abha Bhatt at an earliest possible, but not later than twelve weeks of presentation of certified of the judgment with self contained representation enclosing relevant Govt. Orders and documents.

2.10. In compliance of the orders of this Tribunal, the petitioner had sent to respondent no. 1 certified of the above judgment dated 22.05.2019 along with representation dated 10.06.2019 and copies of relevant G.Os. and other documents with the request to allow to the petitioner Grade Pay Rs.7600/- with effect from 01.01.2006 or at -least w.e.f. 01.09.2008 and pay in the Pay Band 4 with Grade Pay Rs.8700/- w.e.f. 06.05.2011. The petitioner had also given a true Photostat copy of the Judgment of the Hon'ble Apex Court in Er. Gurcharan Singh Grewal vs. Punjab State Electricity Board reported in 2009(2) SLR page 1.

2.11. Vide para no. 22 of the Judgment, this Tribunal was inclined to remit the matter back to the Screening Committee headed by respondent no. 2 (in this claim petition). But after more than one year of the date of representation, the respondent no.2 alone without giving any opportunity to Dr. Abha Bhatt has rejected the representation dated 10.06.2019 of the petitioner vide impugned order dated 14.08.2020. While deciding the representation, the respondent no. 2 has not considered the representation of the petitioner in the light of GO. dated 01.07.2013 read with para 2(4) of G.O. dated 30.10.2012 (ANNEXURE-A7) and proviso to sub-para (b) of para 2 of GO. dated 08.03.2011 and law on the subject. The impugned order is patently discriminatory, illegal, irrational, unjust and prejudicial to the petitioner and sectional employees and the respondents no. 1 and 2 have ignored factors, which are material and relevant for the decision in the matter and is liable to be quashed and set aside.

2.12. in view of above submissions, the petitioner is entitled to get Grade Pay Rs.7600/- in the Pay Band 3 w. e. f. 01. 01. 2006 or at least w. e. f. 01.09.2008 and Grade Pay Rs.8700/- w .e. f. 06.05.2011 and consequently to get difference of Pay, Grade Pay, Dearness Allowance, retiral benefits including difference of pension already paid and payable together with interest @ 9% per annum thereon from the date of accrual till the actual date of payment to the petitioner.

3. The claim petition has been contested on behalf of the respondents. Counter affidavit has been filed by Ms. Poonam Chand, the then Additional Director, Tourism Department, Uttarakhand, on behalf of respondents no. 1 and 2. C.A. has been filed mainly stating that:

3.1. The petitioner, after being selected through U.P. Public Service Commission, was substantively appointed on the post of Regional Tourist Officer (herein after referred as to R.T.O.) on

06.05.1985 in the pay scale of Rs. 850-1720/- which was revised during the tenure of 4th pay commission Rs. 2250-4000 w.e.f. 01-01-1986. Thereafter, the same was revised during the tenure of 5th pay commission Rs. 8000-275-13500 w.e.f. 01-01-1996; thereafter same was revised in pay scale Rs. 15600-39100 with grade pay Rs. 5400 in pay band-3 during the tenure of 6th pay commission w.e.f 01-01-2006 respectively. While the respondent no. 3 namely Smt. Abha Bhatt was substantively appointed to the same post of R.T.O. in the above mentioned same pay scale on 12-08-1993 in the Tourism Department of erstwhile state of Uttar Pradesh.

3.2. Thereafter, the petitioner was promoted to the cadre/post of Assistant Director (Tourism) 18.05.1993 in the then pay scale of Rs. 2350-4300 during the tenure of 4th pay commission w.e.f. 01.01.1986 which was revised to Rs.8550-14600 during the tenure of 5th pay commission w.e.f 01-01-1996. Later on, the said scale was revised in the pay scale Rs. 15600-39100 with grade pay Rs. 6600 in pay band-3 during the tenure of 6th pay commission w.e.f 01-01-2006, further he had been promoted to the post of Deputy Director (Tourism) in the pay scale of Rs. 10000-325-15200 on 23.02.2004 (said scale was revised in the pay scale Rs. 15600-39100 with grade pay Rs. 6600 in pay band-3 during the tenure of 6th pay commission w.e.f 01-01-2006) respectively. On the recommendation of 6th pay commission w.e.f.01.01.2006 the pay scale of the post of Assistant Director Tourism Rs. 2350-4300 during the tenure of 4th pay commission w.e.f. 01.10.1986 which was revised to Rs.8550-14600 during the tenure of 5th pay commission w.e.f 01-01-1996 has been merged in the higher pay scale Rs.15600-39100 with grade pay 6600 in pay band 3 during the tenure of 6th pay commission w.e.f.01.01.2006 further the pay scale 10000-325-15200 during the tenure of 5th pay commission prior to 01.01.2006 to the post of Deputy Director Tourism and one more pay scale Rs. 10650-15850 were revised into the pay scale Rs. 15600-39100 with grade pay 6600 in pay band 3 during the tenure of 6th pay commission w.e.f.01.01.2006 therefore the pay

scale that what was granted to his junior Smt. Abha Bhatt due to merger of her post Assistant Director in to the post of Deputy Director w.e.f. 01-01-2006. has already been granted to the petitioner due to his actual promotion on the post of Deputy Director Tourism on 23.04.2004 in pay scale of Rs.10000-325-15200, whereas the respondent no. 3 i.e. Smt Abha Bhatt has been granted the pay scale of Assistant Director i.e. Rs. 8550-275-14600 w.e.f. 11-08-2001 (said scale was merged in the pay scale Rs. 15600-39100 with grade pay Rs. 6600 in pay band-3 during the tenure of 6th pay commission w.e.f. 01.01.2006 in completion of 08 years services (under time scale) during the tenure of 5th pay commission vide order dated 02.04.2009 issued by respondent Tourism Department.

3.3. Vide G.O. dated 17-10-2008 on the recommendation of 6th pay commission the pay scale Rs. 8550-275-14600 to the post of Assistant Director during the tenure of 5th pay commission w.e.f. 01.01.1996 merged at serial no. 16 in the pay scale Rs.15600-39100 with grade Rs.6600/- in pay band -3 during the tenure of 6th pay commission w.e.f. 01-01-2006 similarly the pay scale of Rs. 10000-325-15200 to the post of Deputy Director Tourism at serial no 17 which was revised in the pay scale of Rs. 15600-39100 with grade pay 6600 in pay band-3 during the tenure of 6th pay commission w.e.f.01-01-2006. Hence the merged pay scale to the post of Assistant Director in to the post of Deputy Director is only be applicable to those employees who were working on the post of Assistant Director Cadre on merger date i.e. 01.01.2006. Therefore, the respondent no. 3 has rightly been granted the benefit of merged grade pay Rs. 6600/- during the tenure of 6th pay commission w.e.f 01-01-2006. while the petitioner was already getting the benefit of the said grade pay Rs. 6600/- on being actually/regularly promoted to the post of Deputy Director w.e.f. 23.02.2004 during the tenure of 5th pay commission w.e.f. 01.01.1996 and since 01-01-2006 he has already granted the benefit of Two Annual increment in the said scale/ grade pay.

Hence, there is no question that senior cannot be allowed lesser grade pay than his junior in the present case at hand. Therefore, no discrimination/pay anomaly has been meted out to the petitioner in this regard granting the pay scale or grade pay by the respondent department.

3.4. The petitioner has got the benefit of 3rd A.C.P to the post and grade pay Joint Director post Rs. 7600/- w.e.f 06-05-2011 and thereafter the petitioner actually/regularly has also been actually promoted to the promotional post of Joint Director under relevant rules in year 2013 on 28-06-2013. Thereafter on attaining the age of superannuation i.e. 60 years on 30-06-2013 he had retired from Government services. Hence the petitioner has got the benefit of actual promotion of 3 successive promotional post i.e. Assistant Director (Tourism) in year 1993 thereafter Deputy Director (Tourism) in year 2004 and Joint Director (Tourism) in year 2013 as per relevant service rules as well as their pay scale from the initially direct recruitment post i.e. R.T.O. Hence the petitioner is not legally entitled to get the benefit of 4th promotional post i.e. Additional Director (Tourism) in grade pay Rs.8700/-after putting in 26 year of services under A.C.P. scheme. On other hand, the respondent no. 3 according to A.C.P G.O. dated 08-03-2011 had been granted the benefit of the 2nd A.C.P on completion of 18 year's satisfactory services from the initial post i.e. R.T.O. to the post and grade pay Joint Director Post Rs. 7600/-w.e.f. 12-08-2011 after the petitioner. Therefore, his junior (Smt. Abha Bhatt) has not received higher pay than him at any point of time.

3.5. In the year 2013 Rules known as Uttarakhand Tourism Services Rules, 2013 were framed under article 309 of the Constitution of India for governing the services cadre of petitioner as well as respondent no. 3 and the merger to the post of Assistant Director in to the post of Deputy Director has been duly carried out as per Rule 5 of the said rules and now from the initial post of R.T.O the first promotional post is Deputy Director and second

promotional post is Joint Director and third promotional post is Additional Director available in service rules and the said amendment legally be applicable to the employees of above services cadre for the purpose of actual promotion as well as to grant the benefit of A.C.P. While the matter of the A.C.P to the petitioner as well as Smt. Abha Bhatt i.e. respondent no.3 has already been decided on due date in year 2011 prior to enforcement of the above amendment rule 2013. Thus, the amended provision has no application in the matter of the petitioner to grant the A.C.P in the grade pay Rs.8700/-to the 4th promotional post of Additional Director as per rule and law. in view of the above mentioned facts & circumstance's it is crystal clear that the petitioner has already been granted the benefit of three actual promotions i.e. Assistant Director, Deputy Director and Joint Director from the initial Direct recruitment post of R.T.O. in the entire services period rendered by him in the Tourism Department of the State Government as per G.O.s dated 17-10-2008 issued by Finance Department. Moreover, he has also been granted benefit of 3rd ACP in the grade pay Rs. 7600/- w.e.f. 06.05.2011 as per ACP scheme.

3.6. The petitioner has sought relief to grant benefit of grade pay Rs. 7600 w.e.f. 01.01.2006 in the year 2020, hence there has been unexplained delay of 14 years and the claim petition is barred by limitation.

3.7. Respondent No. 3 i.e. Smt. Abha Bhatt who joined on the post of R.T.O initially has been granted the benefit of 2nd A.C.P. on grade pay Rs.7600/-on 12.08.2011 to the post of Joint Director (Tourism) under A.C.P scheme after completing 18 years' satisfactory services while the petitioner has been granted the said benefit on 06.05.2011 before Smt. Abha Bhatt, hence there is no discrimination to grant the said benefit to the petitioner. Petitioner has been granted the actual benefit of three promotional post i.e. Assistant Director/Deputy Director/Joint Director (Tourism) as well as the benefit of 3rd A.C.P in the grade pay Rs.7600/-, hence no

other any financial benefit in respect of services rendered by the petitioner to the Department concerned remains pending as per rule & law.

3.8. Representation does lie against the rightful/correct pay fixation order (under A.C.P scheme) as such the said order is not passed under disciplinary proceeding, hence the representation preferred by the petitioner on 03.05.2013 & 24.09.2014 have no legal bearing. Hence no need to decide as per rule and law, further there is no legal bar to the petitioner to file the petition his own assumption/ presumption or on wrong interpretation of G.O.s concerned, thus the claim petition bearing no. 38/SB/2015 has not been decided by the Tribunal on merit for want of any legal substance.

4. Rejoinder affidavit has been filed by learned Counsel for the petitioner reiterating the facts contained in the claim petition and denying the material averments contained in the counter affidavit.

5. We have heard the learned counsel for the petitioner, learned A.P.O. and perused the documents submitted to the tribunal.

6. Learned counsel for the petitioner argued that the petitioner was appointed as Regional Tourism Officer in the scale of Rs. 850—1720 on 06/05/1985. This scale was revised on 01/01/1986 to Rs. 2250-4000/- and to Rs. 8000- 13500 on 1/1/1996. The petitioner was promoted to the post of the Assistant Director (Tourism) on 18/05/1993 and the scale was revised to Rs. 8550-14600/- on 01/01/1996. He was again promoted to the post of the Deputy Director (Tourism) on 22/02/2004 on the scale of Rs. 10000-15200/-. The petitioner was granted 3rd ACP after completion of 26 years of at the level of Deputy Director (Tourism) in 2011. The pay scales of Assistant Director Rs. 8500-14600/- and Deputy director Rs. 10000-15850/- were merged and revised to Rs15600-39000/-, as per recommendations of the 6th Central Pay

Commission w.e.f. 01/01/2006 grade pay Rs. 6600/-. The GO to this effect was issued by the Govt. of Uttarakhand on 17/10/2008.

7. The Learned counsel for the petitioner further argued that one person Ms. Abha Bhatt , who was junior to the petitioner was appointed as RTO on 12/08/1993. She was given 1st upgradation of scale of the Assistant Director (Tourism) on 11/8/2001. On 01/01/2006 on the recommendation of the Pay commission her post was upgraded to Rs. 6600/-. She was granted 2nd ACP on 12/08/ 2011 in the grade pay of 7600/- after completion of 18 years of service. She was promoted to the post of the Deputy director on 06/09/1913 and on the post of the Joint director on 18/02/2016. The petitioner claims that the Govt. of India vide Office memorandum dated 10/02/2000 has circulated a pointwise clarification of the ACP guidelines issued on 9/8/1999 . It has been clarified that if the employee has been promoted from lower to the higher pay scale as a result of promotion before merger of the pay scale shall be entitled to the upgradation under ACP by ignoring the said promotion.

8. Learned Counsel for the petitioner cited the judgement of the Hon'ble High court of Meghalaya Shillong in WP © No 139 of 2024 in the matter of UOI, The Director ,North Eastern Police Academy and Secretary Ministry of Personnel , Public Grievances and Pensions DoPT, New Delhi vs. Smt. Veena Dhaundiya in which the Hon'ble High Court directed that the promotion earned or upgradation granted under ACP scheme to the post carrying the same grade pay due to merger of pay scales / upgradation of posts shall be ignored for the purpose of MACP and ordered to grant 1st, 2nd and 3rd Financial upgradation in the grade pay of Rs. 6600/-, Rs. 7600/- and Rs. 8700/-. Base on the facts mentioned above, clarification of DoPT and the ruling of the Hon'ble High Court, the impugned order dated 14/08/2020 is liable to be quashed and the claim petition is liable to be allowed.

9. Learned APO argued that the petitioner was appointed to the post of the Regional Tourism Officer in the scale of Rs. 850-1720, which was revised to scale of Rs. 8000- 13500 on 01/01/1996. He was promoted to the post of Assistant Director in the scale of Rs. 8550-14600/- on 18/05/1993 and to the post of the Deputy director on 22/02/2004. He was given 3rd ACP in the scale of grade pay of Rs. 7600/- and promoted to the post of the Joint director on 28/06/2013 before his retirement on 30/06/2013.

10. Learned APO further argued that Smt. Abha Bhatt, private respondent (respondent no. 3) was junior to the petitioner and was appointed to the post of Regional Tourism Officer on 12/08/1993 and promoted to the post of Assistant Director on 11/8/2001. The posts of the Assistant Director and the Deputy Director were merged on the recommendation of 6th CPC on 1/6/2006 and the private respondent was granted the grade pay of Rs. 6600/-. She was further granted 2nd ACP on 12/08/ 2011. She was promoted to the post of the deputy director in 2013 and Joint director in 2016. The private respondent has never been granted pay higher than the petitioner , in fact the petitioner got the grade pay of Rs. 7600/- on 06/05/2011 and was actually promoted on the post of the Joint director on 28/06/2013 before his retirement on 30/6/2013. On the other hand, Smt. Abha Bhatt got 2nd ACP in the grade pay of Rs. 7600/- after the petitioner on 12/08/2011 and promoted to the post of the joint director in 2016. Hence the claim petition is liable to be dismissed.

11. Based on the arguments of the parties and the documents placed before the Tribunal, the tribunal finds that the petitioner and the private respondent (Respondent No. 3) were appointed at different times , but the petitioner was senior to the her by 7 years. He was promoted to the post of the Assistant Director, Deputy director and then granted 3rd ACP in the grade pay of Rs. 7600/- on 06/05/2011 and subsequently promoted to the post of the Joint Director (Tourism) on 28/06/2013. The Uttarakhand Tourism

Services Rules were framed in 2013 and the post of the Additional director is available as the promotional post after Joint director. The matter related to 3rd upgradation in respect of the petitioner has been decided in 2011 before these rules came into existence, so the petitioner is not entitled to the 4th upgradation.

12. The private respondent was given 1st promotion to the post of the Assistant Director on 11/08/2001. Subsequently the posts of the Assistant Director and the Deputy Director were merged and the private respondent was granted upgraded grade pay of Rs. 6600/- of Deputy Director. The merger of the post of the Deputy Director and the Assistant Director as per the recommendations of the 6th CPC were accepted in the state and the petitioner was promoted to the post of Assistant Director and Deputy Director before that. The judgement of the Hon'ble High court of Meghalaya as well as the clarification of the ACP guide lines issued by the DoPT are also not applicable as the petitioner has availed the promotions before 6th CPC recommendations. So, the petitioner cannot be given the benefit of the merger of these two grades. The petitioner was granted 3rd ACP in the grade pay of Rs. 7600/- on 06.05.2011 and the private respondent was granted 2nd ACP in the grade pay of 7600/- on 12.08.2011. So, the petitioner was getting higher pay prior to the private respondent and at no point of time the petitioner was receiving the pay lesser than the private respondent. So the Claim petition is liable to be dismissed.

ORDER

The claim petition is dismissed. No order as to the costs.

(RAJENDRA SINGH)
ACTING CHAIRMAN

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

DATE: 01ST SEPTEMBER, 2026
DEHRADUN