
(2022) 08 UK CK 0104

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 524 Of 2022

Ved Prakash Dhuliya

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 30-08-2022

Acts Referred:

Citation : (2022) 08 UK CK 0104

Hon'ble Judges : Vipin Sanghi, CJ;Ramesh Chandra Khulbe, J

Bench : Division Bench

Advocate : T.P.S. Takuli, Vikas Pande

Final Decision : Dismissed

Judgement

Vipin Sanghi, CJ

1) The petitioner has preferred the present writ petition to assail the judgment dated 14.07.2022, passed by the Uttarakhand Public Services Tribunal at Dehradun, in Claim Petition No. 81/SB/2022.

2) The said Tribunal has dismissed the said claim petition of the petitioner on two grounds, namely, ground of jurisdiction, and the ground of limitation. The Tribunal has taken the said view in the light of the fact that the relief sought by the petitioner is in relation to the pay-scale which he claims that he is entitled to receive from 01.01.1986 onwards, and consequently, the promotional pay-scales on completion of 14, 20 and 26 years of service. The Tribunal has referred to the judgment of this Court in Writ Petition (S/B) No. 102 of 2017, Dr. Kamaljeet Singh and another Vs State of Uttarakhand and others, decided by a Division Bench of this Court on 08.03.2018, wherein this Court had referred to the judgment of the Supreme Court in State of Uttarakhand and another Vs Umakant Joshi, 2012 (1) U.D. 583, and the Division Bench of this Court held as follows :

"11. From the aforesaid statements of law contained in paragraph Nos. 11 and 12 of the judgment of the Hon'ble Apex Court (Umakant Joshi case), we can

deduce two principles, as laid down by the Hon'ble Apex Court. Firstly, in respect to any rights that the persons, who are allocated or working after the creation of the State of Uttarakhand is concerned, which relates to the period anterior to the date of the creation of the State of Uttarakhand, the proper and competent authority would be the State of Uttar Pradesh. The State of Uttarakhand could not have the authority to deal with such a matter.

Secondly, in relation to any such complaint, the proper forum to ventilate the grievance would be the High Court of Allahabad or the Tribunal created under the law passed by the State of Uttar Pradesh."

3) On the aspect of limitation, the Tribunal held that the claim petition was barred by limitation, as the claim related to a period far in excess of limitation of one year prescribed under the U.P. Public Services (Tribunal) Act, 1976.

4) We have heard the learned counsel for the petitioner.

5) It is clear on a reading of the aforesaid decision in Dr. Kamaljeet Singh (supra) that the Tribunal did not have the jurisdiction to deal with the claim petition of the petitioner. Since it did not have jurisdiction to deal with the claim petition, in our view, there was no need for the Tribunal to dwell into the aspect of limitation.

6) We, therefore, dismiss this petition with liberty to petitioner to approach the Allahabad High Court or the Public Services Tribunal, Allahabad in the State of Uttar Pradesh to raise his claims. All the issues are left open to be decided by such Court / Tribunal.