

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

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman (*virtually*)

Hon'ble Mr. Arun Singh Rawat

-----Vice Chairman (A)

CLAIM PETITION NO. 33/DB/2025

Navneet Singh, aged about 39 years, s/o Late Sri Ram Avtar Singh, presently working as State Tax Officer, Mobile Squad, Roorkee, Haridwar, r/o 34/31, Nalapani Road, Dehradun, Uttarakhand.

.....Petitioner

VS.

1. State of Uttarakhand through Secretary, Finance, Govt. of Uttarakhand, Dehradun.
2. Commissioner (State Tax), Uttarakhand, Dehradun.
3. Joint Commissioner (Departmental Discipline/Training) State Tax, Roorkee, Haridwar.

.....Respondents

Present: Dr. N.K.Pant, Advocate, for the petitioner.(virtually)
Sri V.P. Devrani, A.P.O. for Respondents.

JUDGMENT

DATED: MARCH 07, 2025

Justice U.C.Dhyani (Oral)

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

“a. To direct the respondents to call for records and compliance the GO dated 26-02-2024.

b. To direct the respondent to give promotion to the petitioner on the post of Assistant Commissioner, State Tax under the GO dated 26-02-2024.

C. To grant such relief as the Hon'ble Tribunal may deem fit in the facts and circumstances of the present case.

d. To award cost to the petitioner.”

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

3. According to the petition, petitioner was appointed by direct recruitment as Tax Officer on 19.02.2015. On 10.06.2024 an interim seniority list of Subordinate State Tax Officers was issued by Respondent No.3, for inviting objections. The said interim seniority list has been finalized by the respondent department vide order dated 29.06.2024, without considering the petitioner for promotion under G.O. dated 26.02.2024.

3.1 Vide Order of the Government of Uttarakhand, Personnel and Vigilance Section-2, No. 193548/XXX (2)/2024-E 61441, Dehradun, dated 26.02.2024, the departmental structure of the State Tax Department has been restructured and posts of Assistant Commissioner have been increased to 130 from 107. Reservation for handicapped persons was also increased to 4% from 3%. In para 5(3) of the said G.O., it has been mentioned that, ‘promotion shall not be denied on the ground of disability alone’.

3.2 According to the petition, he is a handicapped person with Scheduled Caste and is more than 50% disabled. Therefore, he is entitled to get promotion on the ground of physically handicapped quota. Petitioner moved several representations to Respondent No.2, from time to time, but in vain.

3.3 The prayer of the petitioner is based on G.O. dated 26.02.2024 issued by Additional Chief Secretary, Govt. of Uttarakhand,

for considering him for promotion to the post of Assistant Commissioner, State Tax, under the provisions of such G.O.

4. Ld. A.P.O., on seeking instructions from the respondent department, submitted that the case of the petitioner may be considered for promotion, in the light of the relevant G.O. and in accordance with law. Ld. Counsel for the petitioner submitted that the respondent department may be directed to consider the promotion of the petitioner in the light of G.O. dated 26.02.2024.

5. Innocuous prayer of the petitioner is worth accepting.

6. The claim petition is disposed of, at the admission stage, with the consent of Ld. counsel for the parties, by directing Respondent No.2, to consider the petitioner for promotion, in the light of G.O. dated 26.02.2024, as per law, as expeditiously as possible, preferably within 12 weeks of presentation of certified copy of this order along with representation, enclosing the documents in support thereof. No order as to costs.

7. Rival contentions are left open.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN
(virtually)

DATE: MARCH 07, 2025.
DEHRADUN

VM