

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

**CLAIM PETITION NO. 44/SB/2020**

Sunil Kumar, s/o Sri Chandra Shekhar, aged about 50 years, presently working and posted as Officiating Engineer in World Bank Division, Public Works Department, Gupt Kashi, Rudraprayag.

.....Petitioner

versus

1. State of Uttarakhand through Secretary, P.W.D., Government of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Engineer-in-Chief & Head of Department, Public Works Department, Uttarakhand, Yamuna Colony, Dehradun.
3. Chief Engineer, Level-1 (*Parivad Varg*), Public Works Department, Dehradun.

..... Respondents

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

**JUDGEMENT**

**Dated: 19<sup>th</sup> December, 2023**

**Justice U.C. Dhyani (Oral)**

By means of present claim petition, the petitioner seeks to set aside the special adverse entry dated 31.01.2015 (copy Annexure: A1) with its effect and operation, among others.

2. When the petitioner was posted as Executive Engineer, ADB, P.W.D., Pauri, a show cause notice dated 31.03.2011 was issued to him for lack of supervision in a construction work. Petitioner replied to such show cause notice on 20.04.2011.

3. The Secretary of the respondent department (respondent no. 1) was not satisfied with such reply and awarded special adverse entry to the petitioner *vide* order dated 31.01.2015 (copy Annexure: A1), which is under challenge in present claim petition.

4. The petitioner has sought quashing of the impugned order under the Uttarakhand Government Servants (Communication and Disposal of Representation against Adverse, Bad, Satisfactory, Good, Very Good and Outstanding Annual Confidential Reports and Allied Matters) Rules, 2015 (for short, 'Rules of 2015').

5. Petitioner filed representation on 05.05.2015 (copy Annexure: A5) against his special adverse entry, but, as per W.S., such representation was never received by the respondent department. Petitioner filed reminder on 20.09.2016 (copy Annexure: A6) against his special adverse entry, but, according to the respondents, the same was also not received in the department.

6. There appears to be no reason to disbelieve the statement of the petitioner that he filed representation on 05.05.2015 (copy Annexure: A5), followed by reminder on 20.09.2016 (copy Annexure: A6), even if its receipt was not acknowledged by the respondent department.

7. Be that as it may, it is the innocuous prayer of learned Counsel for the petitioner that petitioner's representation dated 05.05.2015 (copy Annexure: A5), followed by reminder dated 20.09.2016 (copy Annexure: A6), may kindly be directed to be decided by respondent no. 1, as per law, to which learned A.P.O. has no objection. Learned Counsel for the parties submitted that such a direction can be given by Single Bench of the Tribunal.

8. The claim petition is disposed of, by directing respondent no. 1 to decide the representation of the petitioner, dated 05.05.2015 (copy Annexure: A5), followed by reminder dated

20.09.2016 (copy Annexure: A6), in accordance with law, on presentation of certified copy of this order along with copy of representation. No order as to costs.

9. It is made clear that the Tribunal has not expressed any opinion on the merits of the case.

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

*DATE: 19<sup>th</sup> December, 2023*  
*DEHRADUN*  
*RS*