

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

CLAIM PETITION NO. 190/SB/2023

Mahendra Singh Negi, s/o Sri Hayat Singh Negi, aged 58 years, Senior Administrative Officer, o/o District Education and Training Institute, Gauchar, Chamoli.

.....Petitioner

vs.

1. The Secretary, Education, Govt. of Uttarakhand, Subhash Road, Dehradun.
2. The Director, Elementary Education, Dehradun.
3. The Additional Director, Elementary Education, Garhwal Mandal, Pauri.
4. Sri Mahipal Singh Panwar, Chief Administrative officer, O/O Dy. Block Education Officer, Dwarahat, Almora.
5. Sri Santosh Kumar Nirala, Senior Administrative officer, through Director Elementary Education, Dehradun. .

.....Respondents.

Present: Sri Uttam Singh.(online) & Sri S.K.Jain , Advocates,
for the Petitioner.
Sri V.P.Devrani, A.P.O., for the Respondents.

JUDGMENT

DATED: NOVEMBER 22, 2023

Justice U.C.Dhyani (Oral)

Earlier, in Claim Petition No. 161/DB/2023, Mahendra Singh Negi vs. Secretary, Education, Govt. of Uttarakhand and others, a direction was given by this Tribunal on 12.09.2023 to Respondent No.3 to decide the representation of the petitioner by a reasoned and speaking order, in accordance with law, without unreasonable delay, preferably within 12 weeks on presentation of certified copy of this order along with copy of

representation dated 28.07.2023. It is the submission of Ld. Counsel for the petitioner that such representation has not yet been decided so far.

2. In present claim petition, the petitioner has prayed for the following:

“i) Direct the respondents to include, call the name of the petitioner for consideration of promotion from Senior Administrative Officer to Chief Administrative Officer by the DPC.

ii) To pass any other suitable order, which the Hon’ble Tribunal may deem fit and proper on the basis of facts and circumstances of the case.

iii) Award the cost of the petition to the petitioner.”

[Emphasis supplied]

3 Ld. Counsel for the petitioner prayed that instead of calling the Counter Affidavit, the representation of the petitioner may kindly be directed to be decided by Respondent No.3, by a reasoned and speaking order, within a stipulated time frame, in accordance with law. Documents have been filed with the claim petition. Ld. A.P.O. has no objection to such innocuous prayer of Ld. Counsel for the petitioner.

4. Ld. counsel for the parties submitted that Single Bench of the Tribunal may pass such an order of deciding the representation of the petitioner, as per rule.

5. The claim petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties, by directing Respondent No.3, to decide the representation of the petitioner by a reasoned and speaking order, as per law, without unreasonable delay, preferably within 08 weeks of presentation of certified copy of this order along with representation, enclosing the documents in support thereof. No order as to costs.

6. Rival Contentions are left open

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: NOVEMBER 22, 2023.
DEHRADUN

VM