

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

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

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

**CLAIM PETITION NO. 93/DB/2023**

Hargovind Bhatt, aged about 60 years, s/o Late Sri Gauri Datt Bhatt, presenting posted as Deputy Commissioner, Rural Development, Uttarakhand, District- Pauri Garhwal. R/o Olivia Colony, Rampur Road, Haldwani, District Nainital.

.....Petitioner

**VS.**

1. State of Uttarakhand through Secretary, Rural Development, Government of Uttarakhand, Dehradun.
2. Secretary Personnel Government of Uttarakhand, Dehradun..
3. Commissioner Rural Development, Uttarakhand, office at Pauri Garhwal.

....Respondent  
s.

Present: Sri Sanjay Bhatt & Sri Prem Prakash Bhatt, Advocates,  
for the petitioner. (*virtually*)  
Sri V.P.Devrani, A.P.O., for the Respondent No.1.

**JUDGMENT**

**DATED: MAY 27, 2023**

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

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

“1) Issue appropriate order or direction, directing the official Respondents to consider candidature of petitioner for promotion on the post of Additional Commissioner w.e.f. 01.03.2023 and pay him all consequential benefits considering the fact that petitioner is senior most eligible candidate in the feeding cadre of Deputy Development Commissioner and is due for retirement shortly on 30.06.2023.

2) Issue any suitable order or direction, which this Hon’ble Tribunal may deem fit and proper on the basis of the facts and circumstances of the case.

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

*[Emphasis supplied]*

2. The Tribunal does not think it necessary to reproduce the facts of the claim petition, for, the facts are already part of record. Material facts have also been mentioned in the judgment dated 25.09.2014 of the Hon’ble High Court of Uttarakhand in WPSB No. 339/2014, Hargovind Bhatt vs. State of Uttarakhand and others (Copy of Order: Annexure- A 6. ). Documents have been filed by the petitioner in support of the averments contained in the claim petition.

3. Petitioner is due for retirement on 30.06.2023. It is the submission of Ld. Counsel for the petitioner that the petitioner’s claim petition be considered expeditiously. Ld. A.P.O. sought time to file C.A./W.S., which is the legitimate right of the respondents. Ld. Counsel for the petitioner, therefore, prayed that petitioner’s representation dated 27.02.2023 (Annexure: A 17), which is pending for the last three months, may kindly be directed to be decided by Respondents No.2 by a reasoned and speaking order, in accordance with law, to which Ld. A.P.O. has no objection.

4. Without prejudice to rival contentions, 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 decide the pending representation of

the petitioner, by a reasoned and speaking order, in accordance with law, without unreasonable delay, considering the fact that petitioner is going to retire on 30.06.2023, on presentation of certified copy of this order along with fresh representation.

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

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)  
(virtually)

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

*DATE: MAY 27, 2023.*  
*DEHRADUN*

*VM*