

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

MODIFICATION APPLICATION NO. 02 /DB/2022

*(to modify the judgment dated 01.04.2022,
passed in Claim petition No. 115/DB/2021)*

Sri Rajesh Uniyal.

.....Petitioner-applicant

vs.

State of Uttarakhand through Secretary and others.

.....Respondents.

Present: Sri K.K.Verma, Advocate, for the Petitioner.(online)
Sri V.P.Devrani, A.P.O., for the Respondent no.1.
Sri S.K.Jain, Advocate, for Respondents No. 2 & 3

ORDER

DATED: AUGUST 25, 2022

Justice U.C.Dhyani (Oral)

While deciding the Claim Petition No. 115/DB/2021, Rajesh Uniyal vs. State and others on 01.04.2022, this Tribunal, *inter alia*, directed as under:

“.....In view of the above, we hereby set aside the impugned order dated 01.12.2020 (Annexure No. 1) and direct the Board of Directors of GMVN to consider the representation of the petitioner for change of cadre in accordance with the same provisions which were considered for the change of cadre of 11 employees in 2016. This exercise may be completed within 3 months henceforth. The Tribunal also directs that promotions may be made in the tourism cadre of similarly situated employees only after the representation

of the petitioner has been duly considered by the Board of Directors of GMVN.....”

[*Emphasis supplied*]

2. It is the submission of Ld. Counsel for the petitioner that judgment and order dated 01.04.2022 has not been complied with by the Garhwal Mandal Vikas Nigam (for short, GMVN).

3. In para 4 of the modification application, it has been stated that-

“...The GMVN issued a letter dated 02.07.2022 to the applicant/ claimant that Board of Directors is not appointed by the State Government and the order dated 01.04.2022 will be considered only after the appointment of Board of Directors (Annexure: 3). It is pertinent to mention here that the Board of Directors is dissolved in the month of April, 2021 and till date the Board of Directors of GMVN could not be constituted by the State Government.”

4. Ld. Counsel for the petitioner, therefore, prays that the order dated 01.04.2022 be modified. He submitted that in case of 11 other employees, their cadre was changed in the year 2016 by the Managing Director, GMVN and not by the Board of Directors. Copy of such order has been filed by the petitioner in the claim petition itself. The Tribunal has directed *vide* order dated 01.04.2022 to consider the representation of the petitioner for change of cadre in accordance with the same provisions which were considered for the change of cadre of 11 employees in 2016.

5. Ld. Counsel for the petitioner reiterated that the cadre was changed by the Managing Director and not by the Board of Directors. He categorically stated that Managing Director is the appointing authority of such employees. The matter need not go to the Board of Directors of GMVN.

6. In view of the above noted facts, a direction is given to the Managing Director, GMVN to consider the representation of the petitioner for change of cadre in accordance with the same provisions which were followed for the change of cadre of 11 employees in 2016.

7. In order dated 01.04.2022, wherever the words '**Board of Directors**' occur, the same shall be substituted by the words '**Managing Director**'.
8. Order dated 01.04.2022 is modified to this extent. The modification application thus stands disposed of.
9. Let a copy of this order be supplied to the petitioner, Ld. A.P.O. and Ld. Counsel for Respondents No. 2 & 3, free of cost, by 27.08.2022.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: AUGUST 25, 2022
DEHRADUN

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