

**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. 107/DB/2022

Manbirendra Singh Barthwal, s/o late B.S. Barthwal, Head Assistance District Education and Training Institute, Ratura, Rudraprayag, r/o Village Kunda P.O. Chopta, District Rudraprayag.

.....Petitioner

versus

1. State of Uttarakhand through Secretary Education, Government of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Dy. Director (Primary Education), Directorate of Education, Uttarakhand, Nanoorkheda, Dehradun.
3. Principal, District Education and Training Institute, Ratura, District Rudraprayag, Uttarakhand.

..... Respondents

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

Judgement

Dated: 21st September, 2022

Justice U.C. Dhyani (Oral)

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

“(i) To issue an order or direction to the respondents to constitute the review DPC for the promotion to the petitioner on the post of Administrative Officer ignoring the ACR of the year 2018-19 and 2019-20 as the same are not communicated and decided as per provisions of Rules 2015, thus adverse for the purpose of Rule 5 of the Rules 2015, and if the petitioner found fit for promotion the same be granted to him since the date of promotion of his juniors with all consequential benefits.

(ii) To issue any other suitable order or direction which this Hon’ble Tribunal may deem fit and proper in the circumstances of the case.

(iii) To award the cost of the petition to the petitioner.”

2. Learned Counsel for the petitioner submitted that petitioner is Senior Assistant in Education Department of Uttarakhand. He is due for promotion to the post of Administrative Officer. He moved a representation to respondent no. 2 for upgradation of his downgraded entries but such representation has not been decided so far.

3. Learned Counsel for the petitioner therefore prayed that petitioner’s representation may kindly be directed to be decided by the appropriate authority in accordance with law, to which learned A.P.O. has no objection.

4. Claim Petition is disposed of, at the admission stage, with the consent of learned Counsel for the parties, by directing appropriate authority to decide the representation of the petitioner under The Uttarakhand Government Servants (Disposal of Representations against Adverse, Fair/ Satisfactory, Good, Very Good, Outstanding Annual Confidential Reports and Allied Matters) Rules, 2015, by a reasoned and speaking order, in accordance with law, under intimation to the petitioner.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: 21st September, 2022
DEHRADUN
RS