

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

CLAIM PETITION NO. 62/SB/2025

Smt. Sushila Kothiyal, aged about 50 years, w/o Sri Jitendra Kothiyal,
presently posted as Tehsildar Tyuni, District Dehradun, Uttarakhand.

.....Petitioner

VS.

1. State of Uttarakhand, Through the Principal Secretary, Revenue Section, Uttarakhand Secretariat, 4 Subhash Road, Dehradun-248001.
2. Secretary, Personnel Department, Uttarakhand Secretariat, 4 Subhash Road, Dehradun-248001.
3. Commissioner and Secretary, Board of Revenue, Uttarakhand, Upper Nathanpur, Ring Road Dehradun-248005.
4. Yukta Mishra, the then Sub-Divisional Magistrate, Chakrata, Dehradun, Uttarakhand, Presently posted as Deputy Secretary, Information Commission, Uttarakhand, RTI Bhawan Mussoorie Bypass, Ring Rd, Doon Hill Colony, Ladpur, Dehradun, Uttarakhand-248008.

.....Respondents

Present: Sri Haridk Rawat , Advocate, for the petitioner.
Sri V.P. Devrani, A.P.O. for Respondents.

JUDGMENT

DATED: JUNE 04, 2025

Justice U.C.Dhyani (Oral)

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

“I. Direct the Respondents to expunge the adverse ACR entry for the period between 01.04.2023 to 11.10.2023 and treat the Claimant's record as unblemished for the relevant period on the ground that it was against the relevant rules and done in a mala-fide and arbitrary manner

II. Declare the Claimant as fit and eligible for consideration for promotion to the next higher post with all consequential benefits, including seniority and notional pay fixation.

III. Direct the Respondents to consider and grant promotion to the Claimant with effect from the date her juniors were promoted i.e. 02.05.2025.

IV. Pass any other order or direction as may be deemed just and proper in the interest of justice and equity.”

2. The claim petition is supported by the affidavit of the petitioner. Relevant documents have been filed along with the same.

3. Before coming to the Tribunal, petitioner filed writ petition, being WPSB No. 87/2025, in which the Hon'ble Court was pleased to pass the following order on 03.04.2025:

“3. Issue notice to the respondent Nos. 3 and 4. Steps to be taken within a week. Petitioner is also permitted to take out dasti notice.

4. List the matter on 07.05.2025.”

4. Thereafter, another order was passed by the Hon'ble Court in the selfsame writ petition, on 07.05.2025, as follows:

“Learned counsel for the petitioner prays leave to withdraw the writ petition with liberty to initiate proceedings before the Uttarakhand Public Services Tribunal.

2. The submission of learned counsel is placed on record.

3. The writ petition is dismissed as withdrawn by reserving liberty, as prayed for.”

5. Petitioner, who is working as Tehsildar in Tyuni, District Dehradun, was given an adverse entry on 03.01.2025 for the year 2022-23 and her integrity was withheld for the year 2023-24, which was communicated to her on 17.01.2025. The same is under challenge in present claim petition.

6. Petitioner has filed representation against the same on 20.02.2025 (within 45 days) under the Uttaranchal Government

Servants (Disposal of Representation Against Adverse Annual Confidential Reports and Allied Matters) Rules, 2002, as amended in 2015, which is pending consideration of Commissioner and Secretary, Board of Revenue, Uttarakhand, Dehradun (Respondent No.3). Time period for disposal of such representation is 120 days, which means the representation, according to the Rules of 2015, should be disposed of on or before 20.06.2025. The same is yet to be decided. Ld. Counsel for the petitioner prayed that a direction be given to Respondent No.3 to decide the same within stipulated time.

7. The claim petition is disposed of, by directing Respondent No.3 to decide pending representation of the petitioner, as per the Uttaranchal Government Servants (Disposal of Representation Against Adverse Annual Confidential Reports and Allied Matters) Rules, 2002, as amended in 2015, within stipulated period.

8. Petitioner is granted liberty to file fresh claim petition, if cause of action survives to her.

9. Ld. Counsel for the petitioner submitted that WPSB No. 87/2025 has been withdrawn and present claim petition has been filed under the liberty granted to the petitioner by the Hon'ble High Court, therefore, a direction be given to Respondent No.2 to amend the Notification dated 02.05.2025 (Annexure: A 1) to say that the promotion of Sri Sohan Singh, Smt. Priyanka Rani and Sri Lalit Mohan Tiwari shall be subject to the decision of petitioner's pending representation before Respondent No.3 and final outcome of Claim Petition No. 52/NB/DB/2021, Priyanka Rani vs. State of Uttarakhand and others which is pending adjudication before the Nainital Bench of the Tribunal. The Tribunal observes that the same can be done because writ petition has been withdrawn and present claim petition has been filed, which is being disposed of with direction to Respondent No.3 to decide pending representation of the petitioner under the Rules of 2002 as amended in 2015.

10. A direction is, therefore, given to Respondent No. 2 to amend the Notification dated 02.05.2025 in the light of the above mentioned submission of Ld. Counsel for the petitioner.

11. The claim petition thus stands disposed of, at the admission stage, with the consent of Ld. Counsel for the parties.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JUNE 04, 2025.
DEHRADUN

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