

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

**REVIEW APPLICATION NO. 04/SB/2025
[IN CLAIM PETITION NO. 101/SB/2024]**

Sri Arun Kumar Goel, aged about 62 years plus, s/o Late Sri Pooran Mal Goel, r/o Mahadev Vihar, General Mahadev Singh Road, Dehradun, retired as Superintending Engineer from the office of Engineer-in-Chief, P.W.D., Dehradun.

.....**Petitioner/review applicant**

VERSUS

1. State of Uttarakhand through Principal Secretary, Public Works Department, Government of Uttarakhand, Secretariat, Dehradun.
2. Engineer-in-Chief and Head of Department, Public Works Department, Dehradun, Uttarakhand.

.....**Respondents/O.Ps.**

Present: Sri Arun Kumar Goel, review applicant (online)
Sri V.P. Devrani, A.P.O. for the Respondents/ O.Ps.

JUDGMENT

DATED: AUGUST 12, 2025

Justice U.C.Dhyani (Oral)

Prayer of the petitioner/review applicant in present review application is reproduced herein below for understanding the nature of the review application and prayer of the review applicant:

“ In view of the facts, grounds, reasons and circumstances mentioned in paragraphs above of the review application, the applicant prays that this

Hon'ble Tribunal may graciously be pleased to punish the respondents and its officials for making false averments and concealing of their own documents and this Hon'ble Tribunal may graciously be pleased to review the judgment & order dated 05.04.2025 to the extent to grant vehicle reimbursement w.e.f. 01.07.2021 to 16.01.2022 to the petitioner with 2% monthly compound interest on delayed payment of vehicle reimbursement and to grant compensation of Rs. 62,000.00 with 2% monthly compound interest on the amount of interest on delayed payment and compensation till the payment of vehicle reimbursement.”

2. Review application is supported with the affidavit of Sri Arun Kumar Goel, review applicant.

3. Claim Petition No. 101/SB/2024 was decided by the Tribunal *vide* order dated 05.04.2025. Relevant paragraphs of the said judgment are reproduced herein below for convenience:

“3. According to the claim petition, the petitioner was posted as Superintending Engineer, AD.B. Circle, PWD, Tehri in the year 2021. The petitioner was posted in the office of Engineer-in-Chief vide office order dated 01.06.2021 and he used his own car continuously for government duties. Petitioner obtained vehicle reimbursement up to 30.06.2021 from his previous office.

4. Petitioner submitted an application on 01.07.2021 for vehicle reimbursement. Legal opinion was sought on the same Law Officer gave the opinion that the petitioner is entitled to vehicle reimbursement allowance.

5. An old ambassador car of the year 2004 was allotted to the petitioner on 23.09.2021. That vehicle was not prescribed for the officers of the rank of Superintending Engineer, as per G.O. dated 19.08.2014. The ambassador car was not suitable for hill journey. An air conditioner with alteration was inserted in ambassador car in violation of the transport rules. A vehicle was made available to the petitioner from 17.01.2022. As per the claim petition, petitioner is entitled to vehicle reimbursement from 01.07.2021 to 16.01.2022.

5.2 According to the petition, any G.O. for taking prior permission for using own car does not exist.

9. Order dated 12.10.2023 (Annexure No.1) issued by Chief Engineer (Planning), PWD, is in the teeth of present claim petition, whereby vehicle reimbursement was denied to the petitioner, primarily on the ground that prior permission of Engineer-in-Chief/HOD was necessary for using personal vehicle. Such permission has not been taken.

10. The petitioner is claiming vehicle reimbursement for the period 01.07.2021 to 10.01.2022. The Tribunal could not lay its hand on any G.O. existing prior to 17.02.2023 to show that previous approval of the department is necessary for claiming reimbursement for using personal vehicle by an officer. It appears that the idea of prior permission for using personal vehicle was introduced for the first time vide G.O. no. 212/IX-1/2016/2011/2023 dated 17.02.2023. A bare reading of para 3(4) of such G.O. would reveal that if any officer has not been provided official vehicle then he can be provided a vehicle by outsourcing

a vehicle or vehicle reimbursement for using personal vehicle after seeking permission

11. Here, the petitioner was not using taxi. He has used, as per his scale, his own vehicle for official purposes.

12. In the G.O. dated 10.03.2016 (Annexure: CA R3), it has been mentioned, in para 6, that if any officer has not been provided official vehicle then the officer can use his personal vehicle for official purposes. The rates of vehicle reimbursement have been provided in the said G.O.

14. In para 4(iii) of the claim petition, the petitioner has mentioned that he has been given vehicle reimbursement upto 30.06.2021. In para 4(iv) of the petition, he has submitted that an application was given by him on 01.07.2021. Department sought legal opinion. Law Officer gave opinion for sanctioning vehicle reimbursement to the petitioner as per G.O. dated 10.03.2016.

14.1 An old ambassador car was allotted to him on 23.09.2021 as per para 4.6 of the petition. Thus, it is clear that the petitioner was not provided any vehicle from 01.07.2021 to 23.09.2021. He is entitled to vehicle reimbursement for such period.

14.2 In para 4(vi) of the claim petition, it has been stated that old ambassador car of 2004 was allotted to him on 23.09.2021. The vehicle was not prescribed for the officers of the rank of Superintending Engineer. The ambassador car had completed 15 years and was not suitable for his journey. Too much expenditure was done on that car. An air conditioner with alteration was inserted in the ambassador car in violation of transport rules. Finally, a vehicle was made available to him on 17.01.2022.

14.3 The petitioner has, in para 4(vi) of the petition, found fault with the vehicle allotted to him. No such fault has been shown in office memorandum dated 19.08.2014 (Annexure No. 6) issued by Dr. S.S. Sandhu, Principal Secretary, PWD, Govt. of Uttarakhand. No such issue, it appears, was raised by the petitioner when vehicle was allotted to him as per G.O. dated 19.08.2014.

15. Office Memorandum dated 23.09.2021 (Annexure: CA R1) indicates that official vehicle with registration no. UA-07G-9767 was allotted to the petitioner by Chief Engineer (Planning). Thereafter, vide office order dated 15.01.2022, another vehicle bearing registration number UK-07TB-6029 was allotted to him. Official vehicle was, therefore, allotted to him on 23.09.2021. There was no occasion for the petitioner to use personal vehicle for official purposes and claim vehicle reimbursement once official vehicle was allotted to him on 23.09.2021.

16. Petitioner's complaint that vehicle no. UA-07G-9767 had outlived its utility was not found favour with, by the respondent department in the meeting dated 13.09.2023 (minutes, Annexure CA R4). In para 3 of such extracts of meeting, it has been mentioned that registration certificate of such vehicle is valid upto 2026 and the officers of the Chief Engineer's office have used the same upto March, 2023, without any complaint.

17. The Tribunal observes that a Govt, servant in a developing country like India cannot claim a vehicle of particular specification or a vehicle of decent condition as per his choice for performing his official duties, as a matter of right, unless it is so provided in his service conditions.

18. Thus, the petitioner is entitled to vehicle reimbursement from 01.07.2021 to 23.09.2021 only, on the basis of above discussion.

19. The claim petition is disposed of by directing respondent department to pay vehicle reimbursement w.e.f. 01.07.2021 to 23.09.2021 to the

petitioner within 12 weeks of presentation of certified copy of this order before respondent no. 2, failing which the respondent department shall be liable to pay 6% simple interest per annum on delayed payment of such amount to the petitioner. For avoidance of doubt, it is made clear that the petitioner shall be entitled to interest only after 12 weeks of presentation of certified copy of this order before respondent no. 2 till the date of actual payment. No order as to costs.”

4. According to the review applicant, after obtaining certified copy of the judgment dated 05.04.2025 on 22.04.2025, some documents relating to the ambassador car were received by him on 08.05.2025 under the R.T.I. Act [the judgment was dictated on 05.04.2025].

5. The review applicant has further stated that the Driver of the ambassador car had reported several defects in the car on 09.09.2021. A description of the defects has been given in para 4 of the review application. It has been mentioned in Para 5 of the review application that the Executive Engineer had directed to carry out the aforesaid work in the ambassador car.

6. In para 06 of the review application it has been mentioned that the same vehicle was allotted to another Engineer, who got it changed immediately. The Driver of the ambassador car again reported several defects, which have been mentioned in para 7 of the review application. According to the review applicant, direction was given to the Executive Engineer concerned to make good the defects in the vehicle. Petitioner/ review applicant submitted that he was given another Government vehicle from 17.01.2022, he is, therefore, entitled to vehicle reimbursement up to 16.01.2022.

7. Ld. A.P.O. objected to the maintainability of the review application. He submitted that the same is liable to be dismissed on merits as well.

8. It may be noted here that the application by the Driver of the car was given on 09.09.2021 (Annexure No.2). Another application was given by him on 26.10.2021. Both the applications were available in the office of the concerned Engineer, when the petitioner filed Claim Petition No. 101/SB/2024. He could have obtained copies of the same under R.T.I., but he did not, for the reasons best known to him. Further, the defects, as pointed out by the Driver, appear to have been forwarded in a routine manner. Every official car undergoes periodical servicing in the authorized workshop. The Drivers give

application for servicing, pointing out several shortcomings in the cars to ward off any unforeseen incident. A car is a machine. When it is used, minor faults are bound to occur, which are mentioned in such applications. The application speaks about the works (of the car) to be done in the workshop. The Tone and tenor of the application is more in the nature of complaint against the department, andless regarding the condition of the vehicle.

For eg., sl. No. 7 of application dated 26.10.2021 says that seat cover and towels are dirty, nobody gives washing allowance. Neither they have ever been washed nor anybody gives washing allowance.

9. The application dated 26.10.2021 also mentions that a vehicle used for VVIP duty should be perfect mechanically and technically. True. But, where is the document to show that this vehicle was being used for VVIP duty. Driver's application is not gospel truth .

10. The condition of the car, as mentioned in applications dated 26.10.2021 and 09.09.2021, speaks about normal complaints of the vehicle, which is usually done by the Drivers while sending the vehicle for workshop.

11. It may be noted here that RTO has no where given the report that the car in question is non-functional or is not worth plying on the road or that the same is not befitting to the status of a Superintending Engineer. The reasons have been given by the Tribunal in the body of the judgment dated 05.04.2025 itself.

12. Scope of review is very limited. Review is permitted only on discovery of new and important matter or evidence, which, after exercise of due diligence was not within his knowledge or could not be produced by him when the order was passed or there is any mistake or error apparent on the face of record or any other sufficient reason.

13. There is no mistake or error apparent on the face of record. The documents obtained under R.T.I. could have been obtained when the petitioner filed the claim petition. These documents might not be within his knowledge or could not be produced by him when he filed claim petition, but he should have exercised due diligence and obtained these papers before filing

the claim petition, which he did not. There is no sufficient reason to attract the review.

14. Moreover, even if the petitioner would have obtained these documents and filed them with the claim petition, the result of the litigation would have been the same. At the most, the Tribunal would have discussed these documents while dealing with the merits of the claim petition, which the Tribunal is now doing, at the time of disposal of review application. How can it be said, in the absence of any material on record, that the respondents or their officials, while contesting the claim petition, made false averments and concealed true facts?

15. The review application is not maintainable. Even if it be conceded for the sake of arguments that it is maintainable, it has no legs to stand even on its own merits.

16. Review application thus fails and is dismissed.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: AUGUST 12, 2025
DEHRADUN
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