

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

EXECUTION PETITION NO. 03/DB/2026

*(Arising out of judgment dated 29.08.2023,
passed in Claim petition No. 156/DB/2023)*

Dinesh Lal Shah, aged about 59 years, s/o Late Shri Shankar Lal, presently posted as In-charge Principal, District Institute of Education and Training (DIET), Roorkee, District Haridwar, r/o Shakti Enclave, Ward No. 95, Lower Nathanpur, Dehradun.

.....Petitioner/applicant

VS.

1. State of Uttarakhand through Secretary School Education Department, Civil Secretariat, Dehradun.
2. Director General, School Education Directorate, Uttarakhand, Dehradun.
3. Director, Academic Research and Training, School Education Directorate, Uttarakhand, Dehradun.
4. Additional Director, State Council of Education Research and Training (SCERT), School Education Directorate, Uttarakhand, Dehradun.
5. Additional Director, State Institute of Education Management and Training (SIEMAT), School Education Directorate, Uttarakhand. Dehradun.
6. Ms. Seema Jaunsari, Presently Posted as Director (Secondary) School Education Directorate, Uttarakhand, Dehradun.

....Respondents.

Present: Sri Arun Pratap Shah, Advocate, for the petitioner.
Sri V.P.Devrani, A.P.O., for the Respondents.

JUDGMENT

DATED: JANUARY 23, 2026

Justice U.C.Dhyani (Oral)

Present execution application has been filed by the petitioner-applicant for securing compliance of Tribunal's order dated

29.08.2023, passed in Claim Petition No. 156/DB/2023, Dinesh Lal Shal vs. State of Uttarakhand & others.

2. The execution application is supported by the affidavit of the petitioner-applicant, along with copy of the judgment passed by the Tribunal on 29.08.2023.

3. The Tribunal deems it appropriate to reproduce relevant paragraphs of the decision dated 29.08.2023 herein below for convenience:

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

.....

2. It is the submission of Ld. Counsel for the petitioner that ACRs for the years 2016-17, 2017-18, 2018-19 and 2019-20 have since not been communicated to the petitioner, therefore, these ACRs should not come in the way of promotion of the petitioner to the post of Joint Education Director (Pay Matrix Rs. 123100- 215900 Level-13)

...

2.2 *Vide* O.M. dated 12.11.2021 (Annexure: 1), 11 Deputy Education Directors were promoted to the posts of Joint Education Director. The DPC appears to have not considered the petitioner for promotion because of his ACRs for the years 2016-17, 2017-18, 2018-19 and 2019-2020.

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4. Ld. Counsel for the petitioner submitted that the ACRs for the four years were communicated to the petitioner *vide* letter dated 02.12.2022, while the DPC had been conducted more than one year earlier in the year 2021. Therefore, these ACRs should not have been read against him as these were uncommunicated at that time. After the communication of these entries to the petitioner, he has submitted a brief representation on 16.01.2023, in which he has stated that the ACRs should have been communicated before 12.11.2021 and there is no justification for communicating the entries now. He has also pointed out about the discrepancy between the wordings and categories of these ACRs awarded to him. Even till today, no decision has been taken on his representation dated 16.01.2023.

5. The Tribunal observes that the uncommunicated ACRs for the years 2016-17, 2017-18, 2018-19 and 2019-2020 should not have been considered while considering the promotion of the petitioner in the DPC held in November, 2021. At that time, since these entries were uncommunicated, the concerned authorities should have considered his ACRs of earlier years to make-up the requisite number of ACRs, as provided under the Rules. Therefore, petitioner's request for holding the review DPC is worth considering and the respondent department is directed to hold review DPC for considering the promotion of the petitioner from the date, his juniors have been promoted in November, 2021, by ignoring the ACRs of these four years and considering his past ACRs to make-up the requisite number of ACRs, as per Rules. The Tribunal further observes that if the representation of the petitioner dated 16.01.2023 has not yet

been decided, prescribed time for deciding the same under the Uttarakhand Government Servants (Disposal of Representation against adverse, fair/satisfactory, good, very good, excellent Annual Confidential Reports and Allied Matters) Rules, 2015, has already elapsed. However, if some decision has been taken within the prescribed time to upgrade any of his entries for these four years, the same entry/entries may be considered in the upgraded form by the review DPC.

.....”

4. The Tribunal observes, on the basis of documents brought on record, that certain queries were raised *vide* letter dated 08.05.2023 (Annexure No.-3) by Under Secretary, Secondary Education Department, on behalf of Secretary, Secondary School Education Department, Govt. of Uttarakhand Respondent No.1, but those queries have not been replied to by Director General, School Education Directorate, Uttarakhand, Dehradun, Respondent No.2. As a consequence thereof, the petitioner had to write to the Secretary, School Education, Govt. of Uttarakhand again and again (Copies: Annexure Nos. 4 and 5)

5. It is on account of the lapse of Respondent No.2, that the petitioner has been compelled to file present execution application.

6. Instead of issuing notices to the respondents and then keeping the execution application pending, the Tribunal deems it appropriate to direct the Director General, School Education Directorate, Uttarakhand, Dehradun, Respondent No.2, to submit reply to the letter of Under Secretary, Secondary Education, if the same has not been replied to so far. On receipt of the reply of Director General, a direction is given to the Secretary, Secondary School Education to comply with the directions dated 29.08.2023 of the Tribunal passed in Claim Petition No. 156/DB/2023.

7. The same should be done without further loss of time, failing which, it will be open to the petitioner to initiate further proceedings against the officers responsible for not complying with the directions of the Tribunal, as per law.

8. The execution application is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties.

9. Petitioner/applicant is directed to serve copies of this order in the offices of Respondents No. 1 and 2, for compliance.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JANUARY 23, 2026.
DEHRADUN

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