

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL  
BENCH AT NAINITAL**

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

**REVIEW APPLICATION NO. 06/DB/2022  
[IN CLAIM PETITION NO. 101/ DB/2021]**

Arun Kumar Goel, aged about 59 years, s/o Sri Pooran Mal Goel, r/o Mahadev Vihar, General Mahadev Singh Road, Dehradun, presently employed as Superintending Engineer in the office of Engineer-in-Chief, P.W.D., Dehradun.

**.....Review applicant**

**vs.**

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.
3. Chief Secretary/ Chairman Departmental Promotion Committee, Government of Uttarakhand, Secretariat, Dehradun.

**.....Respondents.**

Present: Sri Arun Kumar Goel, review applicant.  
Sri V.P.Devrani, A.P.O., for the Respondents.

**JUDGMENT**

**DATED: AUGUST 24, 2022**

**Justice U.C.Dhyani (Oral)**  

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Present review application has been filed by the petitioner-review applicant for reviewing the judgment dated 04.07.2022, passed by this Tribunal in Claim Petition No. 101/DB/2021, Arun Kumar Goel vs. State of Uttarakhand and others.

2. It is the submission of the review-applicant that the direction issued to the Respondent No.1 by the Tribunal, in the judgment sought to be reviewed, to appoint another enquiry officer, complete the disciplinary proceedings by giving proper opportunity to the petitioner to present his case and to complete the disciplinary proceedings without unreasonable delay, in accordance with law, is not permissible in the Service Rules.

3. The review applicant has also prayed, in present review application, that-

“This Hon’ble Tribunal may graciously be pleased to review the judgment dated 04.07.2022 to the extent where it relates to the direction to the respondent no.1 to appoint another enquiry officer and the representation of the petitioner against these entries should be disposed of, both directions are not permissible according to the service rules and the Uttar Pradesh Public Services (Tribunal) Act, 1976. This Hon’ble Tribunal may graciously be pleased to issue orders to the respondents to ignore also the downgraded annual confidential reports of the years 2017-18, 2018-19 and 2019-20, in review D.P.C. of the applicant for promotion on the post of Chief Engineer, Level-2 and to grant all consequential benefits, in the light of judgment of the Hon’ble High Court of Uttarakhand, Nainital in Writ Petition of Kailash Prakash Joshi vs. State of Uttarakhand and the judgment of this Hon’ble Tribunal passed in Claim Petition No. 26/DB/2022, Rajiv Ranjan vs. State of Uttarakhand.”

4. Ld. A.P.O. has vehemently opposed the maintainability of the review application and has also filed the written objections on behalf of the respondents.

5. It may be noted here that in respect of the above noted prayers of the review-applicant, the Tribunal has observed, in Paras 11 and 13 of the judgment under review, as follows:

“11. In view of the above, the Tribunal sets aside the order dated 29.10.2020 (Annexure No. 1) and the order dated 28.01.2021 by which the representation of the petitioner against this order was rejected and directs

the respondent no. 1 to appoint another enquiry officer and complete the disciplinary proceedings by giving proper opportunity to the petitioner to present his case and to complete the disciplinary proceedings without unreasonable delay, in accordance with law.

13. The Tribunal holds that it is clear that the DPC has been held on 25.03.2021 without waiting for or disposing of the representation of the petitioner. The Tribunal, therefore, directs that the representation of the petitioner against these entries should be disposed of at the earliest without unreasonable delay after the production of certified copy of this order and review DPC of the petitioner, if required, may be held within a period of 01 month thereafter. It is also directed that the entries of the year 2015-16 and 2016-17 (01.04.2016 to 22.06.2016), if uncommunicated so far, be not considered against the petitioner in any manner.”

#### **SCOPE OF REVIEW JURISDICTION**

6 The scope of review jurisdiction is very limited. Review is permissible only when (i) there is an error apparent on the face of record, (ii) there is clerical or arithmetical mistake or (iii) for any other sufficient reason. None of these three is attracted in this case. There is no manifest error on the face of record. There is no clerical mistake. There is no other sufficient reason to indicate that the order sought to be reviewed should be reviewed in the interest of justice.

7. By filing the present review application, the review-applicant seeks to re-open and re-argue the claim petition, which is not permissible in law.

#### **ORDER**

8. The review application, therefore, fails and is dismissed.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN

*DATE: AUGUST 24, 2022*

*DEHRADUN*

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