

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

Present: Hon'ble Mr. Rajendra Singh

----- Vice Chairman (J)

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO. 81/NB/DB/2021

Nandan Singh Ghasiyal, a/a 61 yrs, S/o Sri Daljeet Singh, retired Uppar District Welfare Officer, R/o Mandelsera Near Vivekanand School, Bageshwar, District Bageshwar, Uttarakhand.

.....Petitioner

VERSUS

1. State of Uttarakhand through Secretary, Social Welfare Department, Civil Secretariat, Dehradun, Uttarakhand.
2. Director, Social Welfare Department, Haldwani, District Nainital.

.....Respondents

Present : Sri Dinesh Gahatori & Sri Naveen Chandra
Tiwari, Advocates for the petitioner
Sri Kishore Kumar, A.P.O. for the respondents

JUDGMENT

DATE: NOVEMBER 22, 2022

HON'BLE MR. RAJEEV GUPTA, VICE CHAIRMAN (A) (Oral)

This claim petition has been filed seeking the following reliefs:-

“1) To issue a positive direction to the respondents to promote the petitioner on the post of District Social Welfare Officer with effect from 1.11.2013 notionally i.e. the date of notification of Rules of 2013 as the petitioner rendered more than five years on the said post as incharge from 17.7.1998.

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

3) To award the cost of the application in favour of the applicant, otherwise the petitioner shall suffer irreparable loss and injury.”

2. Learned A.P.O. has objected to the admission of claim petition on the ground of delay.

3. After hearing of the parties on admission at some length, learned Counsel for the petitioner confined his prayer to the extent that he shall make a fresh representation to the respondent No. 1 for his notional promotion on the post of District Social Welfare Officer w.e.f. 01.11.2013 which may kindly be directed to be decided within reasonable time. Learned Counsel for the petitioner also pointed out to his earlier representation and recommendations of District Magistrate, Bageshwar and correspondence done by the Director, Social Welfare with the Government in this regard. Learned A.P.O. has no objection to such innocuous prayer of the petitioner.

4. In the light of above, the petitioner is directed to make a fresh representation to the respondent No. 1 within one month from the date of this order and submit the same alongwith certified copy of this order and the

respondent No. 1 shall take suitable decision on the same within a period of three months thereafter in accordance with law. No orders as to costs.

(RAJENDRA SINGH)
VICE CHAIRMAN (J)

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

DATE: NOVEMBER 22, 2022

NAINITAL

BK