

**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)

CLAIM PETITION NO. 162/NB/DB/2022

Dr. Neeraj Ruwali, aged about 51 years, s/o Sri L.D.Ruwali, presently posted as Assistant Professor (History) at M.B. Govt. Post Graduate College Haldwani, District Nainital.

.....Petitioner

vs.

1. State of Uttarakhand through Secretary Higher Education, Uttarakhand Govt. at Dehradun.
2. Director of High Education, Haldwani, District Nainital.

.....Respondents

Present: Sri Ganesh Kandpal, Advocate, for the Petitioner
Sri Kishore Kumar, A.P.O., for the Respondents

JUDGMENT

DATED: DECEMBER 20, 2022

Justice U.C.Dhyani (Oral)

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

I. To direct the respondent no. 2 to take a decision on the representation of the petitioner dated 31.10.2022 (contained in Annexure no.2 to this claim petition).

II. To pass any other suitable order, which this Hon'ble Tribunal may deem fit and proper on the basis of the facts and circumstances of the case.

III. Award the cost of the petition to the petitioner."

2. It is the submission of Sri Ganesh Kandpal, learned Counsel for the petitioner, that on 11.12.2021, the respondent no. 2 issued a notification inviting applications under the Career Advancement Scheme as per UGC Regulation, 2018 for promotion from Assistant Professor (Senior Scale/Academic Level 11) to Assistant Professor (Selection Grade/Academic Level 12). The petitioner submitted application as per the advertisement on 27.12.2021, which was duly examined by the committee at college level, which recommended the case of the petitioner for promotion to the Directorate of Higher Education, Uttarakhand. The refresher

courses were completed by the petitioner from the Faculty Development Centres (FDC's) and Teaching Learning Centres (TLC's) working under the Pt. Madan Mohan Malaviya National Mission on Teacher and Teaching (PMMMNTT) Schemes. As per clause 18.0 (IX) of the U.G.C. Regulation, 2018, such refresher courses are to be taken into consideration for fulfilment of the requirements as laid down in the career advancement scheme, but the respondent no. 2 without examining /verifying the refresher courses, rejected the claim of the petitioner for promotion.

3. The petitioner made a representation on 31.10.2022 to the respondent no. 2, requesting that he may be granted the selection grade (pay matrix level-12) from the date of eligibility *i.e* 19.3.2022, but till today, no decision has been taken on the representation of the petitioner.

4. The sole prayer of Ld. Counsel for the petitioner is that a direction may kindly be given to the respondent no. 2 to decide the pending representation of the petitioner, by a reasoned and speaking order, at an earliest possible, in accordance with law. Ld. A.P.O. has no objection to such innocuous prayer of Ld. Counsel for the petitioner.

5. Without prejudice to rival contentions, the claim petition is disposed of, at the admission stage, by directing the Respondent No.2 to decide the pending representation dated 31.10.2022 (Annexure no. 2) of the petitioner, by a reasoned and speaking order, in accordance with law, without unreasonable delay, preferably within 8 weeks, on presentation of certified copy of this order along with copy of representation dated 31.10.2022 (Annexure no. 2), enclosing the documents in support thereof.

6. When such representation is decided, it will be the responsibility of the respondent department to communicate the same to the petitioner. No order as to costs.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: DECEMBER 20, 2022
DEHRADUN
KNP