

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

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

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO. 105/DB/2023

Dr. Nirdosh Sharma, s/o Sri Susheel Kumar Sharma, aged about 49 years, serving as Senior Medical Officer, Police Hospital, Dehradun, r/o E-64, Enginewali Haveli, Daksh Road, Kankhal, District Haridwar, Uttarakhand.

.....Petitioner

versus

1. The Secretary, Medical, Health and Family Welfare, Govt. of Uttarakhand, Secretariat, Subhash Road.
2. The Director General, Medical Health and Family Welfare, Dehradun.
3. The Chief Medical Officer, 105, Chandar Nagar, Dehradun, Uttarakhand.

..... Respondents

Present : Sri Uttam Singh, Advocate, for the Petitioner
Sri V.P. Devrani, A.P.O., for the Respondents

JUDGEMENT

Dated: 13th June, 2023

Justice U.C. Dhyani (Oral)

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

- “(i) Direct the respondent to decide the representation/notice for voluntary retirement from service submitted on 06-03-2023 and further its reminder dated 05-06-2023 in accordance with the provision of the Fundamental Rules 56(c).

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

(iii) Award the cost of the petition to the petitioner."

2. Petitioner is a Medical Officer, who is presently posted in Police Hospital, Dehradun. He seeks voluntary retirement, for which he has moved a representation to Director General, Medical Health and Family Welfare, Uttarakhand, through Chief Medical Officer, Dehradun, on 23.03.2023 (Annexure: A1).

3. The sole purpose of filing present claim petition, according to Sri Uttam Singh, learned Counsel for the petitioner, is to direct the respondents to take a decision on the representation of the petitioner in the light of Rule 56(C) of U.P. Fundamental Rules.

4. Learned A.P.O. has no objection, if a direction is given to the respondent authorities to take a decision on such representation, in accordance with law.

5. Without prejudice to rival contentions, the claim petition is disposed of, at the admission stage, by directing the respondents to take a decision on the representation of the petitioner for seeking voluntary retirement, by a reasoned order, in accordance with law, without unreasonable delay, preferably within 10 weeks of presentation of certified copy of this order. No order as to costs.

6. It is made clear that the Tribunal has not expressed any opinion on the merits of the claim petition.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)
DATE: 13th June, 2023
DEHRADUN
RS

(JUSTICE U.C.DHYANI)
CHAIRMAN