

**UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

Present: Hon'ble Mr. Justice J.C.S.Rawat

----- Chairman

&

Hon'ble Sri D.K.Kotia

----- Vice Chairman (A)

CLAIM PETITION NO. 54/SB/2014

Brijesh Kumar Gupta, S/o Shri Hanuman Prasad, Executive Engineer, Minor Irrigation Division, Nainital, R/o 07, Ram Bagh, Kaonli Road, Dehradun

.....Petitioner

VERSUS

1. State of Uttarakhand through its Secretary, Minor Irrigation Anubhag, Subhash Road, Dehradun,
2. Secretary to the Govt. of Uttarakhand, Minor Irrigation Anubhag, Subhash Road, Dehradun,
3. Chief Engineer and HOD, Minor Irrigation Department, Uttarakhand, Dehradun.

.....Respondents

Present: Sri J.P.Kansal, Counsel
for the petitioner
Sri S.K.Gupta & Sri L.K.Maithani, Counsel
for the respondents

JUDGMENT

DATE: JULY 23, 2015

HON'BLE JUSTICE J.C.S.RAWAT (ORAL):

1. This claim petition has been filed by the petitioner for seeking the following reliefs:

“Therefore, the petitioner most respectfully and humbly prays this Hon'ble Tribunal that;

- (a) *The impugned Orders Annexure-A1 and Annexure-A2 be kindly held in violation of fundamental, constitutional and civil rights of the petitioner, against law, rules, orders and principles of natural justice and be kindly quashed and set aside;*
- (b) *The respondent no. 1 and 2 be kindly held that the Annual Confidential Report for the Year 2012-13 has not been filled in the prescribed time and completed in accordance with law, rules, orders and principles of natural justice and the respondents be ordered and directed not to consider the said report as adverse for promotion and other service matters of the petitioner;*
- (c) *Any other relief, in addition to or in substitution or modification of above, as the Hon'ble Tribunal may deem fit and proper be kindly granted to the petitioner against the respondents; and*
- (d) *Rs. 20,000/- as costs of this Claim Petition be kindly awarded to the petitioner against the respondents. ”*

2. The petitioner was initially appointed to the post of Assistant Engineer and thereafter, was promoted as an Executive Engineer in the respondent's department. During the period 2012-13, the petitioner initially had worked as an Executive Engineer at the Headquarter directly under the control of Chief Engineer/Head of the Department from 01.04.2012 to 31.07.2012. Thereafter, he was transferred to Nainital as an Executive Engineer and remained there w.e.f. 01.08.2012 to 31.03.2013 under the supervision and control of Superintending Engineer, Haldwani. Initially, when the petitioner was posted at Nainital, there was no Superintending Engineer posted at Haldwani, so the Reporting Officer was Chief Engineer/Head of the Department at Dehradun. The Superintending Engineer was posted there on 19.03.2013 and thereafter he worked under the control and superintendence of the Superintending Engineer, Haldwani. When the Annual Year for awarding Annual Entries for the year 2012-13 came, the Chief Engineer made a communication to the Superintending

Engineer, Haldwani to direct the petitioner to submit his self-assessment and thereafter, he was asked to send his comments so that Annual Confidential Entry may be awarded to him. When no remark and self-assessment was received from the Superintending Engineer, Haldwani, the Chief Engineer, respondent No. 3 himself awarded him an entry and also communicated the same to the petitioner. The petitioner is claiming that during the year 2012-13, the respondent No. 3 was the Reporting Officer of the petitioner, but illegally and wrongly and against the rules, respondent No. 3 awarded the entry without sending it to the Government for review and acceptance. He further alleged in his claim petition that the adverse remark was neither reviewed nor it was accepted by the competent authority. The petitioner further alleges that the entire adverse remark has not been communicated to him; as such the entire entry is liable to be quashed. The petitioner made representation against the adverse remark to the competent authority, which was rejected. Feeling aggrieved by the said order of the respondents, the present petition has been filed.

3. The respondents have filed a joint Counter Affidavit, in which the respondents have denied all the averments made in the claim petition and it has been alleged that during the year 2012-13, the petitioner had worked under the control of the Chief Engineer w.e.f. 01.04.2012 to 31.07.2012 and thereafter, he had worked at Nainital after his transfer as Executive Engineer from 01.08.2012 to 31.03.2013. It is further alleged in the Counter Affidavit that the petitioner was working as an independent Executive Engineer because there was no Superintending Engineer posted at Haldwani, though it was under the control of Superintending Engineer, Haldwani. In the month of March, 2013 prior to closure of the financial year, the Superintending Engineer was posted, as such the petitioner was directly under the control of the respondent No. 3 for the whole year except for few days. The Chief Engineer/HOD, in

view of the above, awarded the adverse entry to the petitioner as a sole Reporting, Reviewing and Accepting Authority. The said entry was also communicated to the petitioner. It was further alleged that there are three stages for the entries prescribed in the Govt. Order No. 3047/38-1-93-4पी/93 dated 25.05.1993, but in case of the petitioner, who is directly under the control of the Head of the Department/Chief Engineer, the Chief Engineer is the sole authority to award adverse entry in view of the chart annexed with the said Govt. Order as Annexure CA-1 to the Counter Affidavit. The Sl. Nos. 3 and 4 of the said chart reveal that the Chief Engineer is the accepting authority in case of finalization of entries of the persons who had worked under the control of Chief Engineer. Thus, the petitioner's claim for not sending the entry to the Government for review and acceptance is not sustainable. The written statement also states that the communication of adverse entry was well within time; as such there is no force in the claim petition. Hence, the claim petition is liable to be dismissed.

4. We have heard learned counsel for the parties and perused the material available on record. At the outset, we would like to mention that the petitioner has sought a prayer of quashing of adverse entry, so we summoned the original record of the petitioner from the department. Learned counsel for the respondents brought the original record in the court during the course of hearing.

5. Learned counsel for the petitioner at the outset contended that there is a Govt. Order dated 18.12.2003 annexed as Annexure-4 to the claim petition, in which it is provided as under:

“इस सम्बन्ध में समय-समय पर जारी किये गये निर्देशों की एकजाई करते हुए प्रविष्टियों अकिंत करने, सत्यनिष्ठा प्रमाणित करने, प्रतिकूल प्रविष्टियों को संसूचित करने और उनके विरुद्ध प्रत्यावेदनों का निस्तारण करने के सम्बन्ध में निम्नलिखित प्रक्रिया निर्धारित की जा रही है:—.....”

After quoting the above provision of the Govt. Order, learned counsel for the petitioner further contended that the Government has consolidated all the circulars, letters and the Govt. Orders in the said Govt. Order annexed as Annexure No. 4 to the claim petition and as such, the G.O. dated 25.05.1993 stands superseded by this clause itself. He has further pointed out the para-3 of the said Govt. Order (Annexure-4), which reads as under:

“3. प्रविष्टियाँ देने के लिये सक्षम अधिकारी— प्रत्येक अधिकारी की वार्षिक गोपनीय प्रविष्टि ठीक उसके ऊपर के प्राधिकारी (प्रतिवेदक प्राधिकारी) द्वारा लिखी जायेगी। उस प्रविष्टि का पुनरीक्षण प्रविष्टि लिखने वाले अधिकारी के ठीक ऊपर के अधिकारी द्वारा तथा उसका स्वीकरण पुनरीक्षण करने वाले अधिकारी के ठीक ऊपर के अधिकारी द्वारा किया जायेगा। समस्त प्रशासनिक विभाग अपने अधीनस्थ सेवाओं के कार्यरत कर्मचारियों तथा अधिकारियों के सम्बन्ध में आवश्यकतानुसार प्रतिवेदक/समीक्षक/स्वीकर्ता प्राधिकारी नियत कर लें।”

Learned counsel for the petitioner has pointed out that the entries should be written as provided in the said Govt. Order and the Govt. Order has not been adhered to.

6. Learned counsel for the respondents contended that the Govt. Order dated 18.12.2003, which has been referred by the petitioner is clear that earlier Govt. Orders had not been superseded. It is a general practice that in the opening sentence of any Govt. Order, it is specifically mentioned that the earlier orders are superseded. The Govt. Order which is at Annexure-4, has not indicated as such. He further contended that this Govt. Order only provides that all the circulars, letters and the Govt. Orders issued by the Government have been consolidated by this G.O. for regulating the procedure of awarding the entries. Learned counsel for the respondents further relied upon para-4 (2) of the said G.O., which reads as under:

“(2) व्यवहारिकता के आधार पर यदि प्रशासनिक विभाग पूर्व निर्धारित स्तरों में कोई संशोधन करना चाहे तो ऐसा करने के लिये स्वतंत्र है परन्तु किये गये स्तरों के अनुसार ही वार्षिक प्रविष्टि का अन्तिमीकरण किया जायेगा।”

It was further contended that the said G.O. specifically states that the Govt. Orders which have been issued earlier shall remain operative unless and until these are changed by the subsequent amendment. It was further contended that in case of the petitioner, the respondent no. 3 is the Finalizing Authority under the Govt. Order annexed as Annexure No. CA-1 dated 25.05.1993, which is still operative. It is further submitted that during the period 2012-13, the petitioner had most of the time worked under the direct control and superintendence of the Chief Engineer at the Headquarters apart from his posting in the Headquarters. During that period, as such the ACR has been written in accordance with the G.O. dated 18.12.2003 (Annexure-4 to the claim petition) as well as the G.O. dated 25.05.1993(Annexure CA-1 to the C.A.).

7. We have gone through the entire record and perused the relevant provisions, which have been referred above. The clause 4(2) of the said Govt. Order, is a saving clause in the said G.O. which implies that where the administrative department has issued any stages for awarding the entries they will continue, but the said stages can be amended by the administrative department at any time after issuance of the G.O. dated 18.12.2003, which is annexed as Annexure-4 to the claim petition. It is therefore, clear from the said G.O. that all the Govt. Orders which have been amalgamated in the said G.O., has provided a saving clause by providing clause 4(2) (Annexure-4 to the Claim petition). The G.O. dated 25.5.1993, which has been filed along with the written statement as Annexure No. 1 clearly reveals that the said G.O. provides at sl. Nos. 3 and 4 that for Executive Engineer, Minor Irrigation, Chief Engineer will be

the Accepting Authority. As we have pointed out earlier that the petitioner had worked during the period 2012-13 under the direct control of Chief Engineer/Head of the Department from 01.04.2012 to 31.07.2012 as an Executive Engineer and from 01.08.2012 to 31.03.2013, he worked as Executive Engineer under the control and superintendence of Superintending Engineer, Haldwani. When he was posted at Nainital as an Executive Engineer there was no Superintending Engineer posted at Haldwani, so he had worked directly under the control of the Chief Engineer. It is also revealed from the perusal of the original record filed by the respondents that after the Superintending Engineer had joined in March, 2013, he was asked to obtain self-assessment of the petitioner and to submit his remarks to the Chief Engineer. When Chief Engineer failed to receive the said self-assessment and remark, he finalized the entry of the petitioner as provided under the G.O. dated 25.5.1993. We are of the view that in view of the G.O. of 1993 and clause 4(2) of the Govt. Order (Annexure-4 to the claim petition), the Chief Engineer was the sole authority to award the entry to the petitioner. As such, the respondent no. 3 has acted well within his jurisdiction to award the entry to the petitioner.

8. Learned counsel for the petitioner also contended that the Rule 4(1) of the Uttarakhand Govt. Servants (Disposal of Representations against Adverse Confidential Reports and Allied Matters) Rules, 2002 (hereinafter referred to as Adverse Entries Rules, 2002) has not been followed. The rule 4(1) of the Adverse Entries Rules, 2002 provides as under:

“(1) Where a report in respect of a Government Servant is adverse or critical, wholly or in part, hereinafter referred to as adverse report, the whole of the report shall be communicated in writing to the Government Servant concerned by the accepting authority or by an officer not

below the rank of reporting authority nominated in this behalf by the accepting authority, within a period of 90 days from the date of recording the report and a certificate to this effect shall be recorded in the report.”

9. The point which was raised on behalf of the petitioner in this claim petition is that the petitioner was awarded adverse entry and the whole of the adverse entry has not been communicated to him and only a part of it has been communicated to the petitioner. Learned counsel for the petitioner further relied upon the Rule 4(1) of the Adverse Entries Rules, 2002 (Annexure-3 to the claim petition) and contended that in view of the Rule 4(1), the entire report of the entry awarded to him, should have been communicated, but entire entry has not been communicated to him. So, the entry communicated is in utter violation of the Rule 4(1) of the Adverse Entries Rules of 2002 annexed as Annexure-3 to the claim petition. Learned counsel for the respondents has contended that the entire copy of the adverse remark had been given to the petitioner and he made representation against the said remark to the competent authority, which was considered and rejected, as such there is no illegality and no violation of Rule 4 of the Annexure-3 to the claim petition. We have gone through the entire record and perused the original record. The adverse entry which has been communicated to the petitioner as Annexure-A-1 to the petition does not seem to be the entire entry. To ascertain the entire entry, a photocopy of the original entry has been kept on record. The communicated portion of the entry is quoted below (Annexure-1):-

“कार्यालय मुख्य अभियन्ता एवं विभागाध्यक्ष, लघु सिंचाई
विभाग उत्तराखण्ड, देहरादून

पत्रांक 2130/ ल0सिं0/ वा0च्र0प्र0/2013-14 दिनांक 03 मार्च, 2014

श्री बृजेश कुमार गुप्ता,
अधिसासी अभियन्ता,
लघु सिंचाई खण्ड,
नैनीताल।

वित्तीय वर्ष 2012-13 की वार्षिक चरित्र प्रविष्टि समीक्षक अधिकारी/अधीक्षण अभियन्ता द्वारा निर्धारित समयान्तर्गत प्राप्त न होने के कारण स्वीकर्ता अधिकारी/अधोहस्ताक्षरी द्वारा आपकी प्रविष्टि में निम्न प्रतिकूल मन्तव्य अंकित किये गये हो जो आपको संसूचित किये जा रहे हैं:-

1. श्री बृजेश कुमार गुप्ता, अधिशासी अभियन्ता, लघु सिंचाई द्वारा निर्देशों की अवहेलना की जाती है तथा बिना अवकाश स्वीकृते के मुख्यालय छोड़ा गया। मा0 मंत्री जी लघु सिंचाई विभाग उत्तराखण्ड की अध्यक्षता में दिनांक 04.04.2012 को आहूत बैठक के उपरान्त प्राक्कलन गठित करने के उद्देश्य से यह निर्देश दिये गये थे कि लोक निर्माण विभाग की नवीन दरें लो0नि0वि0 की बैवसाईट से ज्ञात कर, विभाग में उपलब्ध प्राक्कलन गठित करने के प्रोग्राम को अधुनान्त कर दे, परन्तु श्री बृजेश कुमार गुप्ता द्वारा यह कार्य नहीं किया गया तथा अवकाश पर जाने से पूर्व यह स्पष्ट रूप से श्री बृजेश कुमार गुप्ता बुलाकर निर्देश दिये गये थे कि लो0नि0वि0 की दरें प्राक्कलन प्रोग्राम में अधुनान्त करने के पश्चात ही प्रस्थान करें, लेकिन श्री गुप्ता द्वारा इस पर कोई कार्यवाही नहीं की गई। श्री बृजेश कुमार गुप्ता अधिशासी अभियन्ता, लघु सिंचाई की उदासीनता के कारण विभाग में प्राक्कलन गठन में काफी बिलम्ब हुआ।
2. वर्ष 2012-13 में खण्ड के द्वारा अनुपूरक के माध्यम से अधिष्ठान मद में मांगी गयी धनराशि का धन आवंटन होने के उपरान्त मार्च, 2013 के अन्तिम सप्ताह में धनराशि का सर्म्पण किया गया, जिसका उपयोग अन्य खण्डों के लिये नहीं किया जा सका। जो कार्य के प्रति लापरवाही एवं उदासीनता का द्योतक है।
3. स्टाक रजिस्टर, 2005 तक एवं टी0एण्ड पी0 रजिस्टर, 2004 के बन्द होना बताया गया है उसके उपरान्त स्टाक एवं टी0एण्ड पी0 रजिस्टर बन्द नहीं किया गया है। आगे के स्टाक रजिस्टर एवं टी0एण्ड पी0 रजिस्टर बन्दीकण के सम्बन्ध में कोई प्रयास नहीं किया गया है।
4. श्री बृजेश कुमार गुप्ता द्वारा कार्यहित में जारी निर्देशों का पालन नहीं किया जाता है तथा इनका व्यवहार अपने उच्चाधिकारियों से उदण्ड है।
5. शासन के कार्यालय आदेश संख्या 842/11-2012-01(03)/2012 दिनांक 31.07.2012 के द्वारा श्री बृजेश कुमार गुप्ता का स्थानान्तरण मुख्यालय से लघु सिंचाई खण्ड, नैनीताल होने पर श्री बृजेश कुमार गुप्ता द्वारा बिना कार्यमुक्त हुए अधिशासी अभियन्ता, लघु सिंचाई खण्ड नैनीताल के पद योगदान किया गया।

अतः श्री बृजेश कुमार गुप्ता को "खराब" श्रेणी में वर्गीकृत किया जाता है।

उपरोक्त परिस्थितियों के कारण श्री बृजेश कुमार गुप्ता की सत्यनिष्ठा प्रमाणित करने के सम्बन्ध में कोई भी टिप्पणी की जानी उचित प्रतीत नहीं होती है।

अतः इस सम्बन्ध में आपको निर्देशित किया जाता है कि आपकी वर्ष 2012-13 की वार्षिक गोपनीय चरित्र प्रविष्टि में दिये गये मन्तव्यों के सम्बन्ध में जो भी कहना है, की आख्या एक माह के अन्दर अधोहस्ताक्षरी को उपलब्ध कराना सुनिश्चित करें। आख्या प्राप्त न होने की दशा में उक्तानुसार ही अंतिम रूप दे दिया जायेगा।

(मुहम्मद उमर)

मुख्य अभियन्ता एवं विभागाध्यक्ष,
लघु सिंचाई विभाग उत्तराखण्ड,
देहरादून।"

The original entry awarded to the petitioner, which is in the original record reads as under:-

“भाग- 2

विभागाध्यक्ष कार्यालयाध्यक्ष आदि की अभ्युक्ति
चरित्र प्रविष्टि वर्ष 2012-13

कार्यालय पत्र संख्या 422 दिनांक 06.06.2013 एवं पत्र संख्या 1030 दिनांक 26.8.2013 के द्वारा वर्ष 2012-13 की वार्षिक चरित्र प्रविष्टियां अधीक्षण अभियन्ता, लघु सिंचाई से मन्तव्य

सहित मांगी गयी थी, जिसके लिए दिनांक 31 अगस्त तक की तिथि निर्धारित है, जिसके छः माह से अधिक का समय व्यतीत होने के उपरान्त भी मन्तव्य प्राप्त नहीं हुआ है ऐसी स्थिति में श्री बृजेश कुमार गुप्ता, अधिशासी अभियन्ता, लघु सिंचाई खण्ड नैनीताल की वर्ष 2012-13 की वार्षिक चरित्र प्रविष्टि निम्न प्रकार अंकित की जाती है-

1. श्री बृजेश कुमार गुप्ता, अधिशासी अभियन्ता, लघु सिंचाई द्वारा निर्देशों की अवहेलना की जाती है तथा बिना अवकाश स्वीकृते के मुख्यालय छोड़ा गया। मा0 मंत्री जी लघु सिंचाई विभाग उत्तराखण्ड की अध्यक्षता में दिनांक 04.04.2012 को आहूत बैठक के उपरान्त प्राक्कलन गठित करने के उद्देश्य से यह निर्देश दिये गये थे कि लोक निर्माण विभाग की नवीन दरें लो0नि0वि0 की बैवसाईट से ज्ञात कर, विभाग में उपलब्ध प्राक्कलन गठित करने के प्रोग्राम को अधुनान्त कर दे, परन्तु श्री बृजेश कुमार गुप्ता द्वारा यह कार्य नहीं किया गया तथा अवकाश पर जाने से पूर्व यह स्पष्ट रूप से श्री बृजेश कुमार गुप्ता बुलाकर निर्देश दिये गये थे कि लो0नि0वि0 की दरें, प्राक्कलन प्रोग्राम में अधुनान्त करने के पश्चात ही प्रस्थान करें, लेकिन श्री गुप्ता द्वारा इस पर कोई कार्यवाही नहीं की गई। श्री बृजेश कुमार गुप्ता, अधिशासी अभियन्ता, लघु सिंचाई की उदासीनता के कारण विभाग में प्राक्कलन गठन में काफी बिलम्ब हुआ।
2. वर्ष 2012-13 में खण्ड के द्वारा अनुपूरक के माध्यम से अधिष्ठान मद में मांगी गयी धनराशि का धन आवंटन होने के उपरान्त मार्च, 2013 के अन्तिम सप्ताह में धनराशि का सर्म्पण किया गया, जिसका उपयोग अन्य खण्डों के लिये नहीं किया जा सका। जो कार्य के प्रति लापरवाही एवं उदासीनता का द्योतक है।
3. स्टाक रजिस्टर, 2005 तक एवं टी0एण्ड पी0 रजिस्टर, 2004 के बन्द होना बताया गया है उसके उपरान्त स्टाक एवं टी0एण्ड पी0 रजिस्टर बन्द नहीं किया गया है। आगे के स्टाक रजिस्टर एवं टी0 एण्ड पी0 रजिस्टर बन्दीकरण के सम्बन्ध में कोई प्रयास नहीं किया गया है।
4. श्री बृजेश कुमार गुप्ता द्वारा कार्यहित में जारी निर्देशों का पालन नहीं किया जाता है तथा इनका व्यवहार अपने उच्चाधिकारियों से उदण्ड है।
5. शासन के कार्यालय आदेश संख्या 842/11-2012-01(03)/2012 दिनांक 31.07.2012 के द्वारा श्री बृजेश कुमार गुप्ता का स्थानान्तरण मुख्यालय से लघु सिंचाई खण्ड, नैनीताल होने पर श्री बृजेश कुमार गुप्ता द्वारा बिना कार्यमुक्त हुए अधिशासी अभियन्ता, लघु सिंचाई खण्ड नैनीताल के पद पर योगदान किया गया।

श्रेणी - "खराब"

श्री बृजेश कुमार गुप्ता, अधिशासी अभियन्ता, लघु सिंचाई विश्वास करने योग्य व्यक्ति नहीं है। श्री बृजेश कुमार गुप्ता अधिशासी अभियन्ता की सत्यनिष्ठा का प्रमाण रोका जाता है।

(मुहम्मद उमर)

मुख्य अभियन्ता एवं विभागाध्यक्ष,
लघु सिंचाई विभाग उत्तराखण्ड,
देहरादून।"

10. After going through the copy of entry in original record, we are of the view that entire entry has not been communicated to the petitioner. The initial paragraph of the original entry has not been communicated. Also, the last portion of the original entry, by which the integrity of the petitioner has been withheld, has not been communicated to the petitioner and in place of that it is written in the

copy that due to the above circumstances, no comment can be made regarding the integrity of the petitioner.

11. In view of the above, we find that the entire entry has not been communicated to the petitioner according to Rule 4(1) of the Adverse Entries Rules, 2002.

12. After going through the entire provisions as quoted above, it is clear that the whole of the report shall be communicated to the petitioner irrespective of the fact whether it was wholly adverse or it was partly adverse. In the instant case, the relevant portion has not been communicated regarding withholding of integrity to the petitioner. In the recent judgment of the Apex Court, it has been held even the good entries should also be communicated to the employees in order to know their performance and if needed, they can make representation against the same. In this case, the respondents have violated the Rule-4(1) of the Adverse Entries Rules of 2002 (Annexure-3), as such the entry is liable to be quashed. It is further to be mentioned that Rule- 5 of the Adverse Entries Rules of 2002 (Annexure-3 to the claim petition) provides as under:

“5. Report not to be treated adverse-- Except as provided in Rule 56 of the Uttar Pradesh Fundamental Rules contained in Financial Hand-book, Volume-II, Parts-II to IV, where an adverse report is not communicated or a representation against an adverse report has not been disposed of in accordance with Rule 4, such report shall not be treated adverse for the purposes of promotion, crossing of Efficiency Bar and other service matters of the Government Servant concerned.”

13. In the above provision, it has been laid down that if Rule 4 of the Adverse Entries Rules of 2002 is not followed, such report shall not be treated adverse for the purpose of promotion, crossing efficiency bar and other service matters of the Government Servants

concerned. In view of the above, we agree with the contention of the learned counsel for the petitioner that the Rule 4(1) of the Adverse Entries Rules of 2002 has not been followed and the whole entry has not been communicated to the petitioner and therefore, as per Rule 5 of the Adverse Entries Rules, 2002, this entry shall not be treated adverse for any service matter.

14. No other point was raised by the learned counsel for the petitioner and the learned counsel for the respondents in the case.

15. For the reasons stated above, we are of the view that the petition deserves to be allowed.

ORDER

The claim petition is allowed. The impugned orders dated 03.03.2014 (Annexure: A-1) and order dated 21.07.2014 (Annexure: A-2) are hereby quashed. No order as to costs.

D.K.KOTIA
VICE CHAIRMAN (A)

JUSTICE J.C.S.RAWAT
CHAIRMAN

DATE: JULY 23, 2015
DEHRADUN

KNP