

**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. 114/DB/2023

Dr. Jagdish Chandra Bahuguna, s/o Late Sri Moti Ram Bahuguna, aged about 65 years, Ex- Homeopathic Medical Officer (Grade-II), r/o 131 Prakash Vihar, Lane No. 7, Dharampur, Dehradun..

.....Petitioner

VS.

1. The Secretary, Urban Development, Government of Uttarakhand Secretariat, Subhash Road, Dehradun.
2. The Director, Urban Development Directorate, 31/62 Rajpur Road, Dehradun.
3. The Municipal Commissioner, Dehradun Municipal Corporation, Dehradun.

....Respondents.

Present: Sri Uttam Singh, Advocate, for the petitioner
Sri V.P.Devrani, A.P.O., for the Respondent No.1.

JUDGMENT

DATED: AUGUST 14, 2023

Justice U.C.Dhyani (Oral)

In claim Petition No. 02/SB/2023, Dr. Jagdish Chandra Bahuguna vs.

State and others, the Tribunal passed an order on 04.01.2023, operative portion of which reads as under:

“Without prejudice to rival contentions, the claim petition is disposed of at the admission stage, by directing the respondent department to decide the representation dated 02.10.2022 (Annexure: A-1) of the petitioner, by a reasoned and speaking order, in accordance with law, without unreasonable delay, on presentation of certified copy of this order along with fresh representation enclosing the documents in support thereof. Whenever such representation is decided, it will be the responsibility of the respondent department to communicate the same to the petitioner.”

2. When order dated 04.01.2023 was not complied with, the petitioner filed Execution Application No. 04/DB/2023, in which an order was passed on 18.03.2023, as below:

“....

This Tribunal, therefore, instead of issuing notices to the respondents, reiterates the order dated 04.01.2023, passed by this Tribunal and requests the authorities concerned to comply with the same without further delay, to avoid further legal complications.

5. Petitioner-executioner is directed to send copies of this order, as also the order dated 04.01.2023, to the authorities concerned, within a period of two weeks, to remind them that a duty was cast upon them to do something, which has not been done. The same should be done now, at an earliest possible, without unreasonable delay, preferably within five weeks of receipt of copies of the orders.

6. The execution petition is, accordingly, disposed of at the admission stage. No order as to costs.

3. Representation of the petitioner was thereafter decided by Sri Navneet Pandey, Additional Secretary, Urban Development, Govt. of Uttarakhand *vide* Office Memorandum dated 18.05.2023 (Annexure: A-1).

4. In para 8 of O.M. dated 18.05.2023, it has been mentioned that Dr. Jagdish Chandra Bahuguna (petitioner) has prayed for 1st and 2nd ACP. The Addl. Secretary, in his O.M. dated 18.05.2023, has mentioned (in Para 8) that the Govt. Order dated 09.09.2011, followed by Govt. Orders dated 01.07.2013 and 12.11.2013, provide for A.C.P. to the officers/ employees of Local Bodies.

5. In para 9 of such O.M., there is mention of G.O. dated 18.01.2023, according to which A.C.R. of 05 years shall be seen while considering financial

upgradation of an employee.. The Addl. Secretary to the Govt. wanted to peruse the A.C.Rs. of the petitioner, but these A.C.Rs. were not supplied by the Municipal Commissioner, Nagar Nigam, Dehradun. In para 9 of the O.M., it has also been indicated that a request was made to Municipal Commissioner, Dehradun to send Annual Character Roll and a certificate that no departmental proceeding is/ was pending against the petitioner, but such information was not sent by the Nagar Nigam/Municipal Corporation to the Govt. in Urban Development Department. **The O.M. dated 18.05.2023 was concluded in a positive note that no sooner such information is sent by the Municipal Corporation to the Govt., a decision on admissibility of A.C.P. to the petitioner shall be considered.**

6. The claim petition is disposed of, with the consent of the petitioner and Ld. A.P.O., by directing the Municipal Commissioner, Municipal Corporation (Nagar Nigam) to provide required information, as desired by the Addl. Secretary to the Govt. in O.M. dated 18.05.2023, within four weeks, on presentation of certified copy of this order.

7. When the requisite information is sent by the Nagar Nigam to the Govt., the competent authority in the Govt. is requested to take decision on admissibility of 1st and 2nd A.C.P. to the petitioner, without unreasonable delay, preferably within eight weeks, on receipt of such information (from the Nagar Nigam).

8. The claim petition thus stands disposed of, at the admission stage. No order as to costs.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: AUGUST 14, 2023.
DEHRADUN