

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

CLAIM PETITION NO. 134/SB/2023

Arun Kumar Goel, aged about 60 years plus, s/o Late Sri Pooran Mal Goel, r/o Mahadev Vihar, General Mahadev Singh Road, Dehradun, presently retired as Superintending Engineer in the office of Engineer-in-Chief, P.W.D., Dehradun.

.....**Petitioner**

vs.

1. State of Uttarakhand through Secretary, Public Works Department, Government of Uttarakhand, Secretariat, Dehradun.
2. Engineer-in-Chief and Head of the Department, Public Works Department, Dehradun, Uttarakhand.

.....**Respondents.**

Present: Sri Arun Kumar Goel, petitioner.
Sri V.P.Devrani, A.P.O., for the Respondents.

JUDGMENT

DATED: FEBRUARY 15, 2024

Justice U.C.Dhyani (Oral)

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

“a) Hon’ble Tribunal may graciously be pleased to set aside and quash the impugned order dated 16.08.2022 (Annexure No. A-1) with its effects and operation.

b) Hon’ble Tribunal may graciously be pleased to issue direction and order to the respondents that the annual confidential reports of years 2017-18, 2018-19 and 2019-20 shall not be treated adverse for the

purposes of promotion, crossing of efficiency bar and other service matters of the petitioner in any manner.

c) Hon'ble Tribunal may graciously be pleased to issue an order or direction to the respondents to grant all consequential benefits.

d) Hon'ble Tribunal may graciously be pleased to pass any other order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case in favour of the petitioner.

e) Hon'ble Tribunal may graciously be pleased to decide this petition expeditiously

f) Hon'ble Tribunal may graciously be pleased to allow this petition with cost as quantified Rs.51,000/-."

2. It is submitted by the petitioner that he made a representation to the Secretary, P.W.D., Govt. of Uttarakhand (Respondent No.1) through Engineer-in-Chief, P.W.D. (Respondent No.2), on 17.10.2022, but the same has not been decided so far. He prayed that a direction be given to Respondent No.1 to decide such representation at an early date, in accordance with law.

3. It has been mentioned in Para 4.LXI of the petition that after receiving an information under RTI, petitioner made a representation on 17.10.2022. The same has not been decided, therefore, the impugned order dated 16.08.2022 is liable to be set aside. A copy of representation dated 17.10.2022 has been brought on record as Annexure: A-4 to the claim petition.

4. Ld. A.P.O. has no objection to the innocuous prayer of the petitioner for directing Respondent No.1 to decide pending representation of the petitioner, in accordance with law.

5. Both the parties submitted that such an order can be passed by Single Bench of the Tribunal.

6. The claim petition is disposed of, with the consent of parties, by making a request to Respondent No.1 to decide pending representation of the petitioner by a reasoned and speaking order, as per law, without unreasonable delay, preferably within 12 weeks of presentation of certified copy of this order along with fresh representation, enclosing the documents in support thereof. No order as to costs.

7. It is made clear that the Tribunal has not gone into other legal aspects of the case.
8. Rival contentions are left open.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: FEBRUARY 15, 2024.
DEHRADUN

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