

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

Present: Hon'ble Mr. Ram Singh

-----Vice Chairman (J)

Hon'ble Mr. A.S.Nayal

-----Member (A)

**CLAIM PETITION NO. 62/DB/2018**

Ram Narayan Singh, aged about 60 years, S/o Late Sri Sansar Singh, R/o P-III/18, Yamuna Colony, Dehradun.

.....Petitioner

**VERSUS**

1. State of Uttarakhand through Secretary, Irrigation, Govt. of Uttarakhand, Secretariat, Dehradun.
2. Engineer-in-Chief, Irrigation Department, Yamuna Colony, Dehradun.

.....Respondents

Present: Sri V.P.Sharma, Ld. Counsel  
for the petitioner

Sri V.P.Devrani, Ld. A.P.O.  
for the respondents

**JUDGMENT**

**DATED: MARCH 29, 2019**

**Hon'ble Mr. Ram Singh, Vice Chairman (J)**

1. The petition before this Tribunal is for the following reliefs:-

*“(i) To issue an order or direction to the respondents to quash and set aside the order dated 26.10.2016 (Annexure: A2 to this claim petition) and grant the notional promotion to the petitioner w.e.f. 09.09.2016 as per Annexure: A1 to the claim petition, with all consequential benefits.*

*“(ii) Any other relief which the Hon'ble Court may deem fit and proper in the circumstances of the case.*

*“(iii) To award cost of the petition to the petitioner.”*

2. The facts giving rise to the petition are that the petitioner, initially appointed on 01.02.1981, was working on the post of Administrative Officer till 09.09.2016. Thereafter, he was promoted to the post of Senior Administrative Officer and a combined order dated 09.09.2016 for promotion and posting was issued, by which, he was transferred on promotion from Dehradun to Srinagar.

3. On 14.09.2016, petitioner submitted his representation, with the request that he is at the verge of retirement and is a patient of chronic slip disk; his wife and mother are also ill and of old age hence, he requested for his posting at Dehradun. His representation was forwarded by the concerned superior officer to the higher authorities, but the same was not considered.

4. On 15.10.2016, petitioner was informed by the Senior Staff Officer (Personnel) that his posting on the post of Senior Administrative Officer is not possible at Chief Office, Dehradun, as there is no vacancy. The petitioner sent several reminders on 25.07.2017, 29.08.2017 and 20.09.2017, without joining his new place of assignment and later on, he sought information through RTI dated 13.10.2017. His another representation dated 21.10.2016, was also not considered by the respondents and vide order dated 26.10.2016, the promotion of the petitioner was cancelled and forfeited without providing any opportunity to him, hence, this petition was filed by the petitioner for the relief sought as above.

5. The petition was opposed by the respondents with the contention that other employee being a lady and having short tenure was adjusted in Dehradun and the petitioner, who completed his total tenure at Dehradun, was transferred on promotion to Srinagar and in his promotion and transfer order, a specific condition was imposed that he has to take over the charge of new assignment within one month, failing which he will lose his promotion and his opportunity for promotion will be closed forever and similar entry will be made in his

service book, and he will not be given any opportunity of promotion in future.

6. In spite of specific condition in the order, the petitioner never joined his assignment on promotion due to which, his promotion order was cancelled. The petitioner is not entitled for posting on promotion at a particular place. He himself had forgone his promotion. His petition is time barred and he is not entitled for any relief and the petition deserves to be dismissed.

7. We have heard both the sides and perused the record.

8. The promotion order of the petitioner dated 09.09.2016 (Annexure: A1), also discloses his place of posting on promotion and he was directed to takeover charge at new assignment, within a period of one month and it was also superficially mentioned in the order that in case of not taking over the charge in time, his opportunity for getting promotion will be permanently forfeited and an entry to this effect, will be made in his service book. It was also specifically mentioned that in future, he will not be given any chance of promotion. In spite of this specific condition, mentioned in the order, the petitioner never joined at his new assignment within the given period of one month. Not only this, the impugned order of forfeiture and cancellation of promotion was passed on 26.10.2016. The petitioner was having 15 days more time to resume his charge. He did not report on his new assignment on promotion and continued to make representations for his specific posting at Dehradun.

9. There may be some government guidelines to this effect, but a government employee cannot claim his posting at a particular place as a matter of right and when the petitioner himself, did not opt to join at his promotion place within the given time, hence, the respondents were fully justified to pass the impugned order dated 26.10.2016. This petition was filed by the petitioner even after a lapse

of more than two years of the order of forfeiture of promotion and no reasonable ground has been shown for the delay. This court finds that the petitioner's claim is not sustainable on merit too and deserves to be dismissed.

**ORDER**

The claim petition is hereby dismissed. No order as to costs.

**(A.S.NAYAL)**  
MEMBER (A)

**(RAM SINGH)**  
VICE CHAIRMAN (J)

*DATED: MARCH 29, 2019*  
*DEHRADUN*  
*KNP*