

Claim Petition NO. 38/DB /2021

Dated: 29.06.2021

(Through audio conferencing)

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

An interim relief application has been filed by the petitioner for the following reliefs:

- a. Consider the claim petitioner for DPC dated 01.07.2021 for promotion on the pay band of Rs.8700/- and let the promotion be subject to the outcome of the instant claim petition.
- b. To grant the petitioner ad-hoc promotion on the pay band of Rs.7600/- since 01.07.2015, during the pendency of the present claim petition.
- c. Stay the proposed DPC dated 01.07.2021.
- d. Any other relief which this Court may deem fit in the interest of justice”.

Ld. A.P.O. has filed objections on interim relief application. According to Ld. A.P.O., the initial appointment date of the petitioner under finance services cadre of Uttarakhand is 19.07.2005 with grade pay Rs.5400/- In the year 2015, DPC was convened on 01.07.2015 for selection year 2015-16 for promotion for grade pay Rs.7600/-. Petitioner was considered for promotion but, due to initiation of disciplinary enquiry, as conducted against him, by the respondent department, the sealed cover envelop procedure was adopted in the promotion matter of the petitioner. Ultimately, after conclusion of departmental enquiry on being found guilty, the petitioner was punished by a special adverse entry. Petitioner was not found fit for promotion to the grade pay Rs.7600/- on the criteria of 'seniority subject to rejection of unfit' at that time. Sealed cover envelope may be opened only by DPC, as per GO. According to Ld. A.P.O. the petitioner is not legally entitled to be considered for promotion in the grade pay Rs.8700/-, which is being proposed in the DPC convened on 01.07.2021, because the petitioner has not rendered satisfactory services in the grade pay Rs.7600/-. Since he is working at present in

the grade pay Rs.6600/-, therefore, the petitioner is not eligible to be considered for promotion in the grade pay Rs.8700/-

Heard both the sides on interim relief application and objections thereon.

DPC for the promotion to the post of Finance Officer in grade pay Rs.8700/- is fixed for 01.07.2021. Although, Ld. Counsel for the petitioner made an attempt to argue the claim petition itself on merits, but the Bench requested him to restrict his arguments to the interim relief application only.

We have heard rival submissions. Considering the facts of the case, we do not think it proper to stay the DPC, which is scheduled for 01.07.2021. It is, however, directed, as an interim measure that the sealed cover envelope of the petitioner for promotion to the post of grade pay of Rs.7600/- be opened before the DPC for the post of grade pay Rs.8700/- takes place. The recommendations of the sealed cover envelope be suitably acted upon for considering further promotion of the petitioner, as per rules.

The interim relief application, accordingly, stands disposed of .

Ld. A.P.O. seeks and is granted further 4 weeks' time to file C.A./W.S..

List on 05.08.2021.

RAJEEV GUPTA
VICE CHAIRMAN (A)

VM

JUSTICE U.C.DHYANI
CHAIRMAN