

Claim Petition No. 104/DB/2019
Mayan Pal Singh Verma vs. State of Uttarakhand & others

Dated: 20.07.2021

Judgment has been dictated today. Last portion of such dictation is as below:

We have been given to understand that the petitioner has been considered for promotion to the post of Chief Engineer Level-II in earlier DPCs, in which he has not been found to fulfill the requisite criteria of merit. In the light of the above, a review DPC needs to be held in his case but, before the same, the petitioner has to indicate whether he wants to give representations against the uncommunicated 'good' entries or not. If he submits representations for upgradation of such entries, then after the competent authority's decision on the same, the review DPC may be held and the entries may be read in the modified form after such decision. If the petitioner prefers not to furnish any representations for upgradation of such entries, then these uncommunicated entries are required to be ignored by the review DPC for consideration of his notional promotion to the post of Chief Engineer Level-II from the date of promotion of his juniors. The claim petition is accordingly disposed of with the following directions:

- (i) The uncommunicated '*Uttam*' Annual Confidential Reports (ACRs) cannot be upgraded unless the petitioner submits representations for upgradation of the same and the representations are duly decided by the competent authority.
- (ii) The petitioner is hereby given an opportunity to represent for upgradation of the uncommunicated '*Uttam*' entries within 45 days from today to the competent authority, who shall consider the same and take suitable decisions on the representations within the period as specified in the Rules of 2015. After such decisions have been taken, the review DPC for consideration of promotion of the petitioner to the post of Chief Engineer Level-II shall be held in which such entries shall be read and acted upon along with modification, if any, done by the competent authority after decisions on his representations.

- (iii) If the petitioner opts not to give any representation for upgradation of above uncommunicated '*Uttam*' entries, the same shall be ignored while considering his promotion to the post of Chief Engineer Level-II by the review DPC, which may be convened shortly after such option of the petitioner.
- (iv) In the review DPC, if the petitioner found fit for promotion on the criteria of 'merit-cum-seniority', he shall be given notional promotion to the post of Chief Engineer Level-II from the date his juniors were promoted on such post.

In the circumstances no order as to costs.

Let the aforesaid directions be uploaded on the website of the Tribunal today itself.

RAJEEV GUPTA
VICE CHAIRMAN(A)
KNP

JUSTICE U.C.DHYANI
CHAIRMAN