

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCH AT NAINITAL**

(Through audio conferencing).

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO. 72/NB/DB/2021

Smt. Hemlata w/o Late Shri Sanjay Kumar, Kamal Niwas, Opposite Bhargava Motor, Post old ITI, Bareilly Road, Haldwani, District Nainital, Uttarakhand.

.....Petitioner

vs.

1. The Government of Uttarakhand through Secretary, Women Welfare, Secretariat, Subhash Road, Govt. of Uttarakhand, Dehradun.
2. The Director, Women Welfare Department, Govt. of Uttarakhand, Dehradun.
3. District Probation Officer, Nainital.

.....Respondents

Present: Dr. Narendra Kumar Pant, Advocate, for the petitioner.

Sri Kishor Kumar, A.P.O., for Respondents.

JUDGMENT

DATED: SEPTEMBER 03 2021

Justice U.C.Dhyani (Oral)

RELIEFS PRAYED FOR

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

“(i) Issue an order or direction calling for the record and directing the respondents to grant promotion to the petitioner as a Junior Assistant under the disability GO's of the Union Govt. as well as State Govt.

(ii) Issue any suitable claim, order of direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

(iii) Award the cost of claim petition in favor of the Petitioner."

PETITIONER'S VERSION

2. Petitioner is a Class IV employee in the Women Welfare Department. Presently she is working in the Probation Office, Haldwani. She is suffering 50% locomotor disability. Respondent department conducted an examination for promotion of Class IV employees to Class III. Petitioner also participated in the said examination but was disqualified in Hindi typing.

Aggrieved with the result of examination, which was conducted by the respondent department, the petitioner has filed present claim petition relying upon the provisions of 'Persons With Disability (Equal Opportunities, Protection of Rights and Full Participation) Act 1995'.

PRAYER RESTRICTED

3. After arguing the claim petition at some length, Ld. Counsel for the petitioner confined his prayer only to the extent of directing the respondents to consider petitioner's representations dated 06.01.2020 and 01.10.2020, in accordance with law.

4. According to learned A.P.O., no useful purpose will be served by directing the respondent department to decide the representation of the petitioner. Instead, C.A/W.S. may be called. Learned A.P.O. also pointed out that the respondent department has no notice of present claim petition.

5. Considering the facts of the case and oral submissions made in this behalf, this Tribunal is of the view that innocuous prayer made by learned Counsel for the petitioner is worth accepting.

ORDER

6. Without prejudice to rival contentions, the claim petition is disposed of at the admission stage by directing Respondent no. 2 to consider petitioner's representation after affording her opportunity of hearing, in accordance with law, at an earliest possible but not later than 10 weeks of presentation of certified copy of this order, along with copy of representation enclosing the documents in support thereof.

7. Needless to say that the decision so taken shall be communicated to the petitioner soon thereafter.

8. It is made clear that this Tribunal has not expressed any opinion on the merits of the claim petition.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: SEPTEMBER 03, 2021

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