

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

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

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

**CLAIM PETITION NO. 25/DB/2023**

Balram Kurmi, aged about 58 years, s/o late Shri Sheetal Deen, r/o P-2/19, Yamuna Colony, Govind Garh, Dehradun, Uttarakhand.

.....Petitioner

versus

1. State of Uttarakhand, through its Secretary, Irrigation Department.
2. Engineer-in-Chief/HOD, Irrigation Department, Uttarakhand, Dehradun.

..... Respondents

Present : Sri M.C. Pant (online) and Sri Abhishek Chamoli,  
Advocates, for the Petitioner  
Sri V.P. Devrani, A.P.O., for the Respondents

**JUDGEMENT**

**Dated: 06<sup>th</sup> February, 2023**

**Justice U.C. Dhyani (Oral)**

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

“(i) Issue order rule, or declaration to declare that the act of the respondents of not considering the case of the petitioner for promotion on the post of chief administrative officer as arbitrary, unjust, unreasonable and further to direct the respondent to consider the case of the petitioner in the light of the Government order dated 09.12.2021 and rules in relaxation of qualifying service for promotion on the post of Chief Administrative Officer with all consequential benefits keeping in the view the facts highlighted in the body of petition or to mould the relief appropriately in favour of the petitioner by protecting the livelihood of the petitioner.

(ii) Issue an order rule or direction declaring recommendation of the committee dated 14.12.2021 (Annexure no. 15) as arbitrary, unjust and irrational and further to quash the same along with its effect and operation after calling the entire record from the respondent or to mould the relief appropriately keeping in view the facts highlighted in the body of the petition.

(iii) Issue any order, rule or direction which this Hon'ble tribunal may deem fit and proper in the circumstances of the case.

(iv) Award the cost of the petition."

*[emphasis supplied]*

2. Learned Counsel for the petitioner submitted that the petitioner has moved a representation on 18.06.2022 (copy Annexure: A24), which representation was forwarded on 18.08.2022 by the Engineer-in-Chief, Irrigation Department, to the Secretary, Irrigation Department, Govt. of Uttarakhand (copy Annexure: A29) followed by reminder dated 14.10.2022 (copy Annexure: A30), but has not been decided. Learned Counsel for the petitioner prayed that the same may kindly be directed to be decided by the respondents at an early date.

3. In reply, learned A.P.O. submitted that he has no objection if a direction is given to the respondents to take a decision on the representation of the petitioner, in accordance with law.

4. Innocuous prayer of learned Counsel for the petitioner is worth accepting.

5. Without prejudice to rival contentions, the claim petition is disposed of, at the admission stage, by directing the respondents to decide pending representation of the petitioner by a reasoned and speaking order, in accordance with law, at an earliest possible, on presentation of certified copy of this order along with copy of representation. No order as to costs.

**RAJEEV GUPTA)**  
VICE CHAIRMAN (A)

DATE: 06<sup>th</sup> February, 2023  
DEHRADUN  
RS

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN