

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

Present: Hon'ble Mr. Rajendra Singh

----- Vice Chairman (J)

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

**CLAIM PETITION NO. 103/NB/DB/2021**

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

.....Petitioner

**Versus**

1. The Government of Uttarakhand through its Secretary, Women Welfare Department, Secretariat, Subash Road, Govt. of Uttarakhand, Dehradun.
2. The Director Women Welfare Department, Govt. of Uttarakhand, 20/29 Nemi Road, Dalanwala, Dehradun.
3. District Probation Officer, Haldwani, Nainital.

.....Respondents

Present: Sri Subhash Upadhyay, Advocate for the petitioner.  
Sri Kishore Kumar, A.P.O., for the Respondents

**JUDGMENT**

**DATED: APRIL 03, 2023**

**Mr. Rajeev Gupta, Vice Chairman(A) (Oral)**

This claim petition has been filed for the 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 G.Os' of the Union Govt. as well as State Govt. and as per Service Rules from the date of last selection for the post of Junior Assistant.*

*(ii) Issue any suitable claim, order or 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 favour of the petitioner.*

2. Pleadings have been filed by both the sides. During the course of arguments, learned Counsel for the petitioner restricted his prayer to the extent that the letter dated 12.08.2022 sent by the Chairman of the *Uttarakhand Divyang Karmik Sangh* to the Additional Chief Secretary to Hon'ble C.M., Uttarakhand Govt. has requested to follow the roster adopted by the U.P. Govt. for Persons with Disabilities who have reserved roster point nos. 1, 26, 51 and 76 for Persons with Disabilities. On this letter, which has been filed as Annexure no. 3 to the Supplementary R.A. of the petitioner, the Additional Chief Secretary has desired a meeting on this issue and made an endorsement to the Secretary, *Karmik* accordingly. Learned Counsel for the petitioner submits that a decision on the same may be taken at the earliest by the Govt. of Uttarakhand and if roster point no. 1 is reserved for the Persons with Disabilities, then the petitioner's case can be considered in that light.

3. Without prejudice to the rival contentions, the Tribunal feels it appropriate and directs the respondent no. 1 to get a suitable decision taken by the Govt. on the above referred letter dated 12.08.2022 at the earliest. After such decision, the petitioner's case for promotion may again be considered by the respondent department in accordance with law.

4. With the above direction, the claim petition is disposed of. No order as to costs.

**(RAJENDRA SINGH)**  
VICE CHAIRMAN (J)

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

DATE: APRIL 03, 2023  
DEHRADUN  
KNP