

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

CLAIM PETITION NO. 04/SB/2024

Sri Vineet Rastogi, aged about 55 years, s/o Sri Kailash Chandra Rastogi, r/o 48, Aman Vihar, Dehradun.

.....Petitioner

versus

1. Additional Chief Secretary, Awas, State of Uttarakhand.
2. Secretary, Awas, State of Uttarakhand.

..... Respondents

Present: Sri Kanwaljit Singh and Sri Avnit Rastogi, Advocates
for the petitioner (*online*)
Sri V.P. Devrani, A.P.O., for the Respondents

JUDGEMENT

Dated: 09th January, 2024

Justice U.C. Dhyani (Oral)

By means of present claim petition, “the petitioner prays that his seniority by way of review DPC be considered before 2018 (for the post 2011-12).”

2. On 08.12.2022, requisition was sent by the Secretary, Housing, Govt. of Uttarakhand to the Public Service Commission asking for review of the DPC for the post of Assistant Engineer in Awas Vibhag, Govt. of Uttarakhand. Pursuant to the requisition received by Public Service Commission, the latter sent certain queries to be answered by Secretary, Housing, Govt. of Uttarakhand. The petitioner is aggrieved by the way in which Secretary, Housing, Govt. of Uttarakhand, has replied to such queries, as the same reflects further delay in the matter of reviewing the DPC. Complete facts are given in the claim petition. Such facts are part of record.

3. Documents have been filed by the petitioner in support of his claim petition.

4. Learned Counsel for the petitioner submitted that the petitioner will make a representation to respondent no. 2, who should be directed to decide the representation and consider the prayer of the petitioner for redressal of his grievances, in accordance with law. It is also the submission of learned Counsel for the petitioner that there are 13 vacant posts of Executive Engineer and the petitioner be considered for such post. Learned Counsel for the petitioner further submitted that till such time the petitioner is considered for such post, vacant 13 posts may not be filled up by the respondents in any manner. Learned Counsel for the petitioner also submitted that there is urgency in the matter.

5. Learned A.P.O. has no objection to the innocuous prayer of learned Counsel for the petitioner that a direction may be given by the Tribunal to respondent no. 2 to decide the representation of the petitioner, in accordance with law.

6. Learned Counsel for the parties submitted that such an order can be passed by Single Bench of the Tribunal.

7. Without prejudice to the rival contentions, the Claim Petition is disposed of, at the admission stage, with the consent of learned Counsel for the parties, by directing respondent no. 2 to decide the representation of the petitioner to ventilate his grievance and consider his prayer, by a reasoned and speaking order, in accordance with law, without unreasonable delay, preferably within 10 weeks of presentation of certified copy of this order along with representation enclosing the documents in support thereof. No order as to costs.

(JUSTICE U.C. DHYANI)
CHAIRMAN

DATE: 09th January, 2024
DEHRADUN
RS