

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

**CLAIM PETITION NO. 86/SB/2024**

Ms. Kalpana Tripathi, w/o Sri Jai Prakash Tripathi, aged about 45 years, presently posted as Assistant Commissioner, Internal Review, Haridwar.

.....Petitioner

versus

1. State of Uttarakhand through Secretary (State Tax), Civil Secretariat, Dehradun.
2. Commissioner, State Tax, Uttarakhand, Dehradun.

..... Respondents

Present: Sri Shashank Pandey, Advocate, for the Petitioner  
Sri V.P. Devrani, A.P.O., for the Respondents

**JUDGEMENT**

**Dated: 03<sup>rd</sup> September, 2024**

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

Presently, the petitioner is Assistant Commissioner (State Tax). She was given Special Adverse Entry on 03.02.2021. She filed departmental appeal against the same on 04.02.2021. The appeal was rejected *vide* order dated 05.04.2023. According to the petitioner, promotional exercise for filling up the post of Deputy Commissioner shall soon be undertaken by the respondent department.

2. The submission of learned Counsel for the petitioner is that, admittedly, the appeal has not been decided within stipulated time of 45 + 120 days, as per Rule 4(4) of Uttaranchal Government Servants (Disposal of Representation against Adverse, Fair/Satisfactory, Good, Very Good, Excellent Annual Confidential Reports and Allied Matters) Rules, 2015 (for short, 'Rules of 2015'),

therefore there is no impediment in considering the petitioner for promotion.

3. Learned Counsel for the petitioner submitted that the petitioner will make a representation to respondent no. 1, who should be directed to decide her representation in a time bound manner, in accordance with law.

4. In reply, learned A.P.O. submitted that the earlier representation made by the petitioner was not maintainable, inasmuch as the petitioner had not filed such representation under Rule 4(2) of the Rules of 2015. He has, however, no objection if the representation of the petitioner is directed to be decided by the first respondent, as per law.

5. The Tribunal observes that there is a provision in Rule 5 of the Rules of 2015 that “.....where an adverse report is not communicated or a representation against an adverse report has not been disposed of in accordance with Rule 4, such report shall not be treated adverse for the purposes of promotion, crossing of Efficiency Bar and other service matters of the Government Servant concerned.”

6. The claim petition is disposed of, at the admission stage, with the consent of learned Counsel for the parties, by making a request to respondent no. 1 to decide the representation of the petitioner by a reasoned and speaking order, as expeditiously as possible, without unreasonable delay, on presentation of certified copy of this order along with representation enclosing the documents in support thereof. No order as to costs

7. Rival contentions are left open.

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

*DATE: 03<sup>rd</sup> September, 2024*  
*DEHRADUN*  
*RS*