

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

CLAIM PETITION NO. 132/SB/2024

Mrs. Shivani Tripathi Bharti, aged around 40 years old, w/o Sri Sachin Bharti, r/o C/o Sri Sachin Bharti, P-3A 309- 310, Deep Ganga Apartments, Sector-5A, SIDCUL, Haridwar, Uttarakhand.

.....Petitioner

vs.

1. State of Uttarakhand through Principal Secretary, Finance, State of Uttarakhand, 4 Subhash Road, Irrigation Colony, Karanpur, Dehradun Uttarakhand.
2. Commissioner State Tax, Uttarakhand- Office of the Commissioner Taxes, Uttarakhand, Near Pulia No. 6, Nathan Pur, Ring Road, Dehradun.
3. Joint Commissioner State Tax, Uttarakhand- Office of the Commissioner Taxes, Uttarakhand, Near Pulia No. 6, Nathan Pur, Ring Road, Dehradun.

.....Respondents

Present: Sri Abhijay Negi (online) & Sri Shubham Rana, Advocates,
for the petitioner.
Sri V.P. Devrani, A.P.O. for State Respondents.

JUDGMENT

DATED: OCTOBER 08, 2024

Justice U.C.Dhyani (Oral)

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

“(i) Pass an order or direction to quash the unjust and arbitrary adverse entry (mid-term) dated 07.10.2021 (Annexure No.2) and 05.06.2024(Annexure No.4) for the period of 15.07.2020-31.03.2021 which was given to the present petitioner without considering the reply of the petitioner dated 08.11.2021 (Annexure No. 3).

2) Pass an order or direction directing the respondents to provide the petitioner with the Annual Confidential Report after the fair assessment of her performance during that period.

3) Pass any other order that this Hon'ble Court may deem fit in the interest of justice, equity and good conscience.”

2. Earlier, a writ petition being WPSB No. 476/ 2024 with WPSB No. 479/2024, was disposed of by the Hon'ble High Court of Uttarakhand *vide* order dated 08.08.2024, as under:

“3. Since common questions of law and facts are involved in these writ petitions, hence, they were heard together and are being decided by a common judgment. However, for the sake of brevity, facts of Writ Petition (S/B) No.476 of 2024 alone are being considered and discussed.

4. Petitioner is serving as Assistant Commissioner, Sales Tax, Roorkee and is posted at Haridwar, She is aggrieved by Adverse Entry/Special Adverse Entry recorded, during the reporting year 2020- 21 and 2021-2022, Petitioner made representation against such adverse entry which, however, has been rejected, Thus, feeling aggrieved, petitioner has approached this Court challenging the orders, whereby Adverse Entry/Special Adverse Entry was recorded and also the order, whereby her representation was rejected.

5. Learned State Counsel submits that petitioner is a public servant, therefore, she has a remedy of approaching Public Service Tribunal, constituted under U.P. Public Services (Tribunal) Act, 1976.

6. This submission is not disputed by learned counsel for the petitioner. He however submits that petitioner's representation against the adverse entry recorded for the reporting year 2020-21 was not considered on merits, on account of delay in making the representation. He further submits that the State Government be directed to reconsider petitioner's representation on merits.

7. We are not inclined to issue any direction to the State Government, as prayed by learned counsel for the petitioner.

8. Since petitioner has a remedy of approaching the Public Services Tribunal, therefore, the writ petitions are dismissed on the ground of alternative remedy, with liberty to petitioner to approach the Tribunal.”

3. The claim petition is supported by the affidavit of the petitioner. Relevant documents have been filed along with the same.

4. It is the submission of Sri Abhijay Negi, Ld. Counsel for the petitioner that petitioner will file a representation before Respondent No.1, who should be directed to decide the representation of the petitioner, as quickly as possible, as per law. Ld. A.P.O. has no objection to such innocuous prayer of Ld. Counsel for the petitioner.

5. The claim petition is disposed of, at the admission stage, with the consent of Ld. 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 per law, as expeditiously as possible, without unreasonable delay, on presentation of certified copy of this order along with representation enclosing the documents in support thereof.

6. It is made clear that the Tribunal has not expressed any opinion on the merits of the case.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: OCTOBER 08, 2024.
DEHRADUN

VM