

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

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

----- Chairman

Hon'ble Mr. D.K.Kotia

-----Vice Chairman (A)

CLAIM PETITION NO. 06/DB/2018

Smt. Pratima Gupta (Uppal) aged about 53 years D/o Late Ramesh chand Gupta at present working and posted as Excise Inspector at Inforcement Unit, Excise Department R/o 93-B, Govindpuri, Haridwar.

.....Petitioner

VS.

State of Uttarakhand and Others.

.....Respondents.

Present: Sri L.K.Maithani, Counsel
for the petitioner.
Sri U.C.Dhaundiyal, A.P.O.
for the Respondents.

JUDGMENT

DATED: FEBRUARY 26, 2018

Justice U.C.Dhyani (Oral)

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

“ (a) To issue an order or direction to concerned respondent to amend and modify the promotion order dated 05.07.2014 (Annexure No.A-1) of the petitioner to the post of Excise Inspector for all service benefits since 03.06.2006, the date when on the recommendation of selection committee (DPC) the

promotions were granted to the other persons and matter of the petitioner kept in sealed cover.

(b) To issue an order or direction to the concerned respondent that after amending/ modifying the promotion order, the seniority of the petitioner in cadre of Excise Inspector be decided accordingly as per rule between the recruittee of the recruitment year 2003-04 as per Seniority Rules 2002 along with all consequential benefits.

(c) To issue any other order or direction to the respondents, which in the circumstances of the case, this Hon'ble Tribunal may deem fit, just and proper in favour of the petitioner.

(e) To allow cost of the claim petition".

2. It is the submission of Ld. Counsel for the petitioner that, petitioner had made a representation to Respondent No.3 on 28.10.2017, but till date, no decision has been taken on the same by Respondent Nos. 1 and 2.
3. After arguing the claim petition at some length, Ld. Counsel for the petitioner confined his prayer only to the extent that, since petitioner's representation dated 28.10.2017 (Annexure: A-15) has not been decided by Respondent No.1, therefore, the same may kindly be directed to be decided, in accordance with law.
4. Ld. A.P.O. has no objection to the same.
5. The innocuous prayer made by the petitioner, is worth accepting.
6. The claim petition is disposed of at the admission stage by directing Respondent No.1 to decide the pending representation of petitioner by a reasoned and speaking order, in accordance with law at an earliest possible, but not later than eight weeks of presentation of certified copy of this order, along with a copy of the representation.

7. Needless to say, that the decision so taken, shall be communicated to the petitioner soon thereafter.

(D.K.KOTIA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: FEBRUARY 26, 2018
DEHRADUN

VM