

**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. 12/DB/2015

Ravindra Kumar aged about 36 years S/o. Shri Tej Ram Singh, Assistant Operator, Police Control Room, Rishikesh, District Dehradun, Permanent R/o Subhash Nagar, Gali No. A-1, Near Rathi Bhusa Store, Jawalapur, District Haridwar.

.....Petitioner

VS.

State of Uttarakhand and Others.

.....Respondents.

Present: Sri J.P.Kansal, 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) It be held that non-consideration of the petitioner on 09.07.2013 and 24.12.2013 for the post of Head Operator is illegal, wrong, against rules, orders and principles of natural justice and the respondents be kindly ordered to consider the

petitioner for promotion to the post of Head Operator and in case he is found fit for promotion, promote the petitioner from 16.07.2013, the date his juniors have been promoted;

(b) On promotion to the post of Head Operator, the respondents be kindly ordered and directed to pay the petitioner the difference of pay, allowances and other consequential benefits of the post of Head Operator from the date of promotion together with interest thereon @ 12% per annum from the date of accrual till the actual date of payment to the petitioner;

(c) Any other relief, in addition to, modification or substitution of the above relief, which the Hon'ble Tribunal deems fit and proper in the circumstances of the case and facts on record, be kindly allowed to the petitioner against the respondents; and

(d) Rs.10,000/- as costs of this petition be allowed to the petitioner against the respondents.”

2. During pendency of present claim petition, the petitioner was promoted to the post of Head Operator. Copies of orders have been brought on record as Annexure: A-21 and A-22. Substantial relief, which was desired in claim petition, has, therefore, been granted to the petitioner. We would have closed the petition, but for the reason that, one more relief was added by the petitioner, by way of amendment, during the pendency of present claim petition, therefore, we are not closing it right now.
3. After arguing for a while, Ld. Counsel for the petitioner has confined his prayer only to the extent that, respondents may kindly be directed to consider the petitioner for promotion to the post of Head Operator w.e.f. 16.07.2013, the date, his juniors have been promoted. Ld. Counsel for the petitioner submitted that the petitioner will make a representation to Respondent No.3, who

may, kindly be directed to decide his representation at an earliest possible, to which Ld. A.P.O. has no objection.

4. Since, such a relief has been added by the petitioner by way of amendment, vide order dated 13.09.2017 and no C.A. has been filed on behalf of Respondents in this respect, therefore, the innocuous prayer of the petitioner is worth accepting.
5. The petition is, accordingly, disposed of by granting two weeks' time to the petitioner to move a representation to Respondent No.3 in respect of his amended relief. Thereafter, Respondent No.3 is directed to decide such representation by a reasoned and speaking order, at an earliest possible, but not later than eight weeks of presentation of the representation, before said authority, along with a copy of this order.

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

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: FEBRUARY 26, 2018
DEHRADUN

VM