

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

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

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

**CLAIM PETITION NO. 84/DB/2019**

Pushkar Lal Tamta, aged about 50 years, S/o Sri Keshav Lal Tamta, R/o Vivekanand Puri, Almora, District Almora.

.....Petitioner.

**vs.**

1. State of Uttarakhand through Secretary, School Education, Civil Secretariat, Dehradun, District Dehradun.
2. Director General, School Education, Tapowan Marg, Nanoorkhera, Dheradun, District Dehradun.
3. Director, Secondary Education, Tapowan Marg, Nanoorkhera, Dheradun, District Dehradun.

.....Respondents.

Present: Sri Sandeep Tiwari, Counsel, for the petitioner.  
Sri V.P.Devrani, A.P.O., for the respondents.

**JUDGMENT**

**DATED: JULY 15, 2019**

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

Heard Ld. Counsel for the parties, on admission. By means of present claim petition, the petitioner has sought direction to Respondent No.2 to enter District Bageshwar as home District in the service records of the

petitioner based on his domicile dated 11.05.2000. A direction has also been sought to decide the representation dated 24.06.2019 of the petitioner.

2. Ld. A.P.O. vehemently opposed the claim petition on the grounds, *inter alia*, that the language of Annexure: A 1 suggests that this Tribunal should not decide the claim petition in view of bar created under proviso to Section 4(1) of the U.P. Public Services(Tribunal) Act, 1976.
3. Ld. Counsel for the petitioner submitted that he does not press relief no. (b) and is interested in seeking direction to Respondent No.2 to decide the representation of the petitioner, which shall be filed within a week from today, regarding change of his home District from Almora to District Bageshwar.
4. It is the submission of Ld. Counsel for the petitioner that petitioner joined as Sub Deputy Inspector under the respondent department on 08.07.1997. District Bageshwar was carved out from District Almora on 15.09.1997. Petitioner had obtained the domicile certificate from SDM, Bageshwar on 15.03.2000, which has been enclosed as Annexure: A 2 to the claim petition. As per Annexure: A 2, petitioner, Pushkar Lal Tamta is permanent resident of Village- Uderkhani, Patti- Khankar, Tehsil- Bageshwar, District Bageshwar. Such a certificate was given on 15.03.2000. Annexure: A 3 has been filed to indicate that, District Basic Education Officer had approved the proposal of changing the home District of the petitioner.
5. Considering the above noted facts, this Tribunal is of the view that the innocuous prayer made by the petitioner that the representation of the petitioner for change of home District should be decided by the competent authority, should be accepted. Ld. A.P.O. has no objection to such innocuous prayer.
6. Claim petition is, therefore, disposed of by directing Respondent No.2, to decide representation of the petitioner, by a reasoned and speaking order, in accordance with law, at an earliest possible, but not

later than four weeks of presentation of certified copy of this order along with fresh representation containing all the necessary facts.

7. The claim petition is, accordingly, disposed of, at the admission stage itself. No order as to costs.
8. Let a copy of this order be supplied to Ld. Counsel for the petitioner today itself, as per Rules.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)

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

*DATE: JULY 15, 2019*  
*DEHRADUN*

*VM*