

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL  
BENCH AT NAINITAL.**

Present: Hon'ble Mr. Ram Singh

-----Vice Chairman (J)

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

**CLAIM PETITION NO. 34/NB/DB/2018**

Shrish Kumar, aged about 52 years, S/o Shri Janardhan Singh, Presently posted as Executive Director, Revenue Police and Land Survey Training Institute, Almora.

.....**Petitioner**

VERSUS

1. State of Uttarakhand through Principal Secretary, Personnel, Government of Uttarakhand, Dehradun.
2. Secretary, Revenue, Government of Uttarakhand, Dehradun.
3. Joint Secretary, Personnel-I, Government of Uttarakhand, Dehradun.

.....**Respondents**

Present: Sri Sanjay Bhatt, Advocate for the Petitioner.

Sri Kishore Kumar, A.P.O. for the Respondents.

**JUDGMENT**

**DATED: DECEMBER 24, 2020**

**HON'BLE MR. RAM SINGH, VICE CHAIRMAN (J)**

1. The reliefs sought in this petition, are as follows:

*"A. To quash and set aside the impugned decision of selection committee dated 29.07.2016 communicated to the petitioner vide letter dated 10.01.2018 and 27.02.2018.*

*B. To issue appropriate order directing the official Respondents to sanction and grant pay scale of Rs. 15600-39100 with grade pay of Rs. 7600/- w.e.f. 31.03.2014 along with arrears and penal rate of interest.*

*C. Any other order or direction which this Learned Tribunal may deem fit and proper under the facts and circumstances of the case.*

*D. Award cost of the Petition to the present petitioner."*

2. The petitioner as a member of State Civil Service (Executive Branch) was given an *ad-hoc* promotion as Deputy Collector on 11.02.2004. Subsequently, he was given regular promotion as Deputy Collector on 01.03.2007 and was granted senior pay scale of Rs. 15600-39100 with Grade Pay of Rs. 6600 vide order dated 26.04.2012. Thereafter, on 29.07.2016, a Selection Committee meeting was held for recommending the selection scale/grade pay of Rs. 15600-39100 with grade pay of Rs. 7600/-. The Committee after considering the records of 32 officers, recommended selection scale for 30 officers and the recommendations of two officers, including petitioner, were kept in sealed covers on the ground of disciplinary proceedings pending against them. On the basis of the recommendations of the Committee, 30 officers of the cadre were given promotion in senior selection scale of Rs. 15600-39100 with grade pay of Rs. 7600, vide order dated 02.08.2016. The petitioner was not given such benefit inspite of the fact that his name was just below Sri Hansa Dutt Pandey, in the order of seniority.

3. The petition also narrates that on the basis of disciplinary proceedings against the petitioner, initiated on 13.07.2013, the result of DPC recommendations, relating to him, was kept in a sealed cover. Disciplinary proceedings were dropped vide order dated 20.12.2016. As the petitioner was frequently transferred to some different posts hence, he filed a writ petition No. 54(S/B) of 2018 before the Hon'ble High Court, challenging his transfer and not granting him the selection scale. The writ petition was disposed of by Hon'ble High Court vide order dated 09.10.2018, without interfering in the transfer order, but he was given liberty to take appropriate legal action against the adverse entry. Another writ petition (S/B) No. 595 of 2018 filed by the petitioner was also disposed of by Hon'ble High Court vide order dated 04.12.2018 on the ground of alternative remedy, giving liberty to the petitioner to approach this Tribunal, hence, this petition was filed by the petitioner for the reliefs sought as above, on the following grounds.

4. That no adverse entry was ever made against the petitioner nor any such adverse entry was communicated to him on or before the date of meeting of Selection Committee on 29.07.2016. There was only one departmental proceeding pending against him which was initiated vide letter No. 1107/XXX-1-2013/21(04)07 dated 13.07.2013, and the same was dropped vide letter No.2032/XXX-1, 2014-21(18) 2005 dated 20.12.2016 and the petitioner was exonerated from the charges. Hence, there was no adverse material against the petitioner, which may disentitle him from getting the benefit of grade pay of Rs. 7600/- w.e.f. 31.03.2014, as there was no other adverse entry/ material against him on the date of meeting of DPC.

5. Petitioner has also contended that he was communicated the so-called adverse entry for the year 2013-14 for the first time only on 10.01.2018, when the writ petition was filed, against which, he filed his objections dated 22.01.2018, with the contention that he was never communicated, any such adverse entry before such date and the so called communication letters dated 02.08.2016 and 02.11.2016 were not served upon him. Both the so called communication letters relate to the dates subsequent to the date of meeting of selection committee i.e. 29.07.2016. Therefore, undisputedly on the date of meeting of selection committee, there was no adverse material communicated to the petitioner. Respondents themselves have admitted the communication of both the so called letters of adverse entry of 2013-14 for the first time only on 02.08.2016 and 02.11.2016, hence, on the date of DPC, except the disciplinary proceeding started in 2013 and thereafter dropped on 20.12.2016, there was no adverse material against the petitioner. Hence, petitioner cannot be denied the benefit of selection scale. Accordingly, petitioner has sought the relief for setting aside the impugned decision of the selection committee, communicated to the petitioner vide letter dated 10.01.2018 and 27.02.2018 and, to sanction and grant him the selection scale of Rs. 15600-39100 with grade pay of Rs. 7600 w.e.f. 31.03.2014 along with arrears and penal rate of interest.

6. The petition was opposed by the respondents with the submission that at the relevant point of time, a disciplinary proceeding was already pending against the petitioner hence, the recommendations of promotion of the petitioner was kept in a sealed envelope. After conclusion of disciplinary proceedings, such envelope was opened on 12.12.2017 by the Appointing Authority in which the following recommendation of the committee was made:

“चयन समिति द्वारा दिनांक 29.07.2016 को आयोजित बैठक के कार्यवृत्त के प्रस्तर-09 पर अंकित तालिका के क्रमांक 21 पर उल्लिखित श्री श्रीष कुमार की चरित्र प्रविष्टियों के विवरणानुसार उन्हें वर्ष 2013-14 में “प्रतिकूल प्रविष्टि” प्रदत्त होने के कारण चयन समिति श्री श्रीष कुमार का “अनुपयुक्त श्रेणी” में वर्गीकृत करते हुए चयन वेतनमान ग्रेड पे रू0 7600 में पदोन्नति हेतु संस्तुत नहीं किया जाता है। चूंकि श्री श्रीष कुमार के विरुद्ध अनुशासनिक कार्यवाही भी प्रचलित है। अतएव चयन समिति की संस्तुति “बंद लिफाफे” में रखे जाने की संस्तुति भी की जाती है।”

Accordingly, as per the recommendations made by the promotion committee, the petitioner was not promoted in selection scale with grade of Rs. 7600. His Annual Confidential Report for the year 2013-14 (01.04.2013 to 10.07.2013) was sent to him by the department of Karmik vide letter dated 02.08.2016 and 02.11.2016, but petitioner never submitted any representation against such adverse entry. On 20.01.2018, petitioner submitted an application informing therein that he was never communicated any such adverse entry made against him for the above period. The representation of the petitioner was disposed of by the Karmik department on 27.02.2018, intimating that he was already informed regarding his adverse record, but petitioner never submitted any representation, in compliance of the letters dated 02.08.2016 and 02.11.2016. The departmental promotion committee declared the petitioner ineligible for promotion after taking cognizance of the said adverse entry for the year 2013-14. Accordingly, the petitioner was not entitled for any selection scale on account of his adverse entry. Hence, his petition deserves to be dismissed.

7. Through R.A, petitioner has reiterated the facts of the claim petition. He further contended that on the date of DPC there was no adverse material in his service record, which would make him ineligible to be considered for promotion in grade pay of Rs. 7600/-. On the date of DPC, any such alleged adverse entry was never communicated to him as per the rules. Therefore, as per rules and the law, settled by the Hon'ble Court, uncommunicated adverse entry cannot be taken into consideration at the relevant time of DPC. The only disciplinary proceeding pending against the petitioner was dropped on 20.12.2016, therefore, there is no occasion or justification on the part of the respondents to deny the benefit of promotional pay scale in grade pay of Rs. 7600 to the petitioner. Neither there was any adverse entry against the petitioner nor was any communication to the petitioner about any such adverse entry. Respondents themselves admitted the fact of communication to the petitioner only after 02.08.2016, which is five day later than the date of DPC although, petitioner has denied about receipt of any such communication till 10.01.2018. This fact came into his notice for the first time when he filed a writ petition. As on the date of meeting of DPC there was no adverse material, which could be legally considered against the petitioner hence, he cannot be denied such promotional scale on account of uncommunicated entry.

8. We have heard both the sides and perused the record.

9. Rule 4 of the old Uttaranchal Government Servants (Disposal of Representation against Adverse Annual Confidential Reports and Allied Matters) Rules, 2002 and thereafter, Rule 4 & 5 of the new Rules known as "उत्तराखण्ड सरकारी सेवक (प्रतिकूल, अच्छा/सन्तोषजनक, उत्तम, अतिउत्तम, उत्कृष्ट वार्षिक गोपनीय रिपोर्टों का प्रकटीकरण एवं उसके विरुद्ध प्रत्यावेदन और सहबद्ध मामलों का निपटारा), नियमावली, 2015" require that communication of entry is must. Rule 4 & 5 of the said Rules of 2015 read as under:

“4. प्रतिकूल अच्छा/सन्तोषजनक, उत्तम, अतिउत्तम, उत्कृष्ट रिपोर्ट की संसूचना और प्रत्यावेदन के निपटाने के लिये प्रक्रिया—

(1) जहाँ किसी सरकारी कर्मचारी के सम्बन्ध में रिपोर्ट अन्तिम होने के पश्चात् पूर्णतः या अंशतः प्रतिकूल या आलोचनात्मक या अच्छा/सन्तोषजनक, उत्तम, अतिउत्तम, उत्कृष्ट हो, जिसे आगे रिपोर्ट कहा गया है, तो सम्बन्धित सरकारी कर्मचारी को स्वीकर्ता प्राधिकारी द्वारा या किसी अधिकारी द्वारा जो प्रतिवेदक/प्राधिकारी से निम्न पंक्ति का न हो और स्वीकर्ता प्राधिकारी द्वारा इस निमित्त नाम निर्दिष्ट हो, रिपोर्ट को अभिलिखित किये जाने के दिनांक से 60 दिन की अवधि के भीतर संपूर्ण रिपोर्ट लिखित रूप में संसूचित की जायेगी और इस आशय का एक प्रमाण-पत्र रिपोर्ट में अभिलिखित किया जायेगा।

(2) सरकारी कर्मचारी, उपनियम (1) के अधीन प्रतिकूल, अच्छा/सन्तोषजनक, उत्तम, अतिउत्तम रिपोर्ट की संसूचना के दिनांक से 45 दिन की अवधि के भीतर, इस प्रकार संसूचित रिपोर्ट के विरुद्ध प्रत्यावेदन लिखित में सीधे और उचित माध्यम से स्वीकर्ता प्राधिकारी से एक पंक्ति ऊपर के प्राधिकारी को, जिसे आगे सक्षम प्राधिकारी कहा गया है, और यदि कोई सक्षम प्राधिकारी न हो तो स्वीकर्ता प्राधिकारी को ही कर सकता है:

(3) सरकारी कर्मचारी यदि उपनियम (1) के अधीन संसूचित पूर्णतः या अंशतः प्रतिकूल या आलोचनात्मक या अच्छा/सन्तोषजनक, उत्तम, अतिउत्तम रिपोर्ट के विरुद्ध प्रत्यावेदन देना चाहता है, तो वह ऐसी रिपोर्ट की संसूचना के दिनांक से 45 दिन की अवधि के भीतर इस प्रकार संसूचित रिपोर्ट के विरुद्ध प्रत्यावेदन लिखित में सीधे और उचित माध्यम से स्वीकर्ता प्राधिकारी से एक पंक्ति ऊपर के प्राधिकारी को, जिसे आगे सक्षम प्राधिकारी कहा गया है, और यदि कोई सक्षम प्राधिकारी न हो, तो स्वीकर्ता प्राधिकारी को कर सकता है—

परन्तु यदि यथास्थिति, सक्षम प्राधिकारी या स्वीकर्ता प्राधिकारी का यह समाधान हो जाये कि सरकारी सेवक के पास उक्त अवधि के भीतर प्रत्यावेदन प्रस्तुत न कर सकने के पर्याप्त कारण हैं तो ऐसे प्रत्यावेदन की प्रस्तुति के लिये 45 दिन की अग्रेतर अवधि की अनुमति दे सकता है।

(4) यथास्थिति, सक्षम प्राधिकारी या स्वीकर्ता प्राधिकारी उपनियम (2) तथा (3) के अधीन प्रत्यावेदन की प्राप्ति के दिनांक से एक सप्ताह से अनधिक अवधि के भीतर प्रत्यावेदन को समुचित प्राधिकारी को, जिसने प्रतिकूल, अच्छा/सन्तोषजनक, उत्तम, अतिउत्तम रिपोर्ट अभिलिखित की है, उसकी टीका-टिप्पणी के लिये भेजेगा जो प्रत्यावेदन की प्राप्ति के दिनांक से 45 दिन से अनधिक अवधि के भीतर अपनी टीका-टिप्पणी, यथास्थिति, सक्षम प्राधिकारी या स्वीकर्ता प्राधिकारी को भेजेगा।

प्रतिबन्ध यह है कि ऐसी टीका-टिप्पणी अपेक्षित नहीं होगी, यदि समुचित प्राधिकारी अपनी टीका-टिप्पणी भेजने से पहले सेवा में न रह गया हो या सेवानिवृत्त हो गया हो या निलम्बनाधीन हो।

(5) यथास्थिति, सक्षम प्राधिकारी या स्वीकर्ता प्राधिकारी उपनियम (4) में विनिर्दिष्ट 45 दिन की समाप्ति के दिनांक से 120 दिन की अवधि के भीतर समुचित प्राधिकारी की टीका-टिप्पणी के साथ प्रत्यावेदन पर विचार करेगा और यदि कोई टीका-टिप्पणी प्राप्त न हुई हो तो टीका-टिप्पणी की प्रतीक्षा किये बिना—

(क) प्रत्यावेदन को निरस्त करते हुये: या

(ख) प्रतिकूल रिपोर्ट को पूर्णतः या अंशतः जैसा वह उचित समझे निकालते हुये सकारण आदेश पारित करेगा।

(ग) अच्छा/सन्तोषजनक, उत्तम, अतिउत्तम रिपोर्ट को जैसा कि उचित समझे सकारण आदेश पारित करते हुये उन्नत (upgrade) करेगा।

(6) जहां सक्षम प्राधिकारी, उपनियम (5) में विनिर्दिष्ट अवधि के भीतर किसी प्रशासनिक कारण से प्रत्यावेदन का निपटारा करने में असमर्थ हों, तो वह इस सम्बन्ध में अपने उच्चतर प्राधिकारी को रिपोर्ट करेगा जो विनिर्दिष्ट अवधि के भीतर प्रत्यावेदन के निपटारे को सुनिश्चित करने के लिये ऐसे आदेश पारित करेगा जैसा वह उचित समझे।

(7) जहाँ उपनियम (5) के अधीन पारित आदेश सम्बन्धित सरकारी सेवक को लिखित रूप में संसूचित किया जायेगा।

(8) जहाँ उपनियम (5) के अधीन प्रतिकूल प्रविष्टि निकालने का आदेश पारित किया जाये, वहाँ यथास्थिति, सक्षम प्राधिकारी या स्वीकर्ता प्राधिकारी इस प्रकार निकाली गयी प्रविष्टि को विलुप्त कर देगा।

(9) जहाँ उपनियम (5) के अधीन अच्छा/सन्तोषजनक, उत्तम, अतिउत्तम प्रविष्टि को निकालकर उन्नत (**upgrade**) करने का आदेश पारित किया जाये, वहाँ यथास्थिति, सक्षम प्राधिकारी या स्वीकर्ता प्राधिकारी ऐसी प्रविष्टि को विलुप्त करके उन्नत (**upgrade**) की गई प्रविष्टि को रखेगा।

(10) उपनियम (5) के अधीन पारित आदेश अन्तिम होगा।

(11) जहां—

(एक) किसी प्रतिकूल, अच्छा/सन्तोषजनक, उत्तम, अतिउत्तम, उत्कृष्ट प्रविष्टि की संसूचना:

(दो) किसी प्रतिकूल, अच्छा/सन्तोषजनक, उत्तम, अतिउत्तम, प्रविष्टि के विरुद्ध प्रत्यावेदन;

(तीन) समुचित प्राधिकारी को उसकी टीका-टिप्पणी के लिए प्रत्यावेदन भेजे जाने;

(चार) समुचित प्राधिकारी की टीका-टिप्पणी; या

(पांच) किसी प्रतिकूल अच्छा/सन्तोषजनक, उत्तम, अतिउत्तम प्रविष्टि के विरुद्ध प्रत्यावेदन के निपटारे का कोई मामला इस नियमावली के प्रारम्भ के दिनांक को लम्बित हो वहाँ ऐसे मामलों पर इस नियम के अधीन उनके लिये विहित अवधि के भीतर विचार किया जायेगा और उसका निपटारा किया जायेगा।

स्पष्टीकरण—इस उपनियम में विनिर्दिष्ट किसी मामले के लिये इस नियम के अधीन विहित अवधि की संगणना करने में इस नियमावली के प्रारम्भ के दिनांक को व्यतीत हो चुकी अवधि की गणना नहीं की जायेगी।

5. रिपोर्ट का प्रतिकूल न समझा जाना—

वित्त हस्तपुस्तिका के खण्ड दो के भाग दो से चार में दिये गये उत्तर प्रदेश मूल नियम-56 में यथा उपबन्धित के सिवाय जहाँ कोई प्रतिकूल प्रविष्टि संसूचित नहीं की जाती है या जहाँ किसी प्रतिकूल प्रविष्टि के विरुद्ध कोई प्रत्यावेदन नियम-4 के अनुसार नहीं निपटाया गया है वहाँ ऐसी प्रविष्टि को, सम्बन्धित सरकारी सेवक की पदोन्नति, और अन्य सेवा सम्बन्धी मामलों के प्रयोजनार्थ प्रतिकूल नहीं समझा जायेगा।”

10. Hence, Rule 4 of the above rules requires that the communication of the entry to the employee is must and in view of the Rule 5, uncommunicated entries cannot be considered against the employee in promotion or other service matter.

11. Admittedly, the petitioner's name was included at Sl. No. 21 in the list of 32 eligible officers to be considered by the DPC for promotional scale. The DPC held its meeting on 29.07.2016. The minutes of DPC (Annexure-A1) clarify that out of 32 officers, 30 officers were recommended for promotional scale whereas, recommendations of two

officers, (1) Ms. Nidhi Yadav at Sl. No. 14 and (2) the petitioner, at Sl. No. 21, were kept in the sealed covers. Para 11 of the DPC recommendations specifically mentioned that as against the petitioner, a disciplinary proceeding is pending hence, his recommendations are being kept in a sealed cover. A specific order was passed by the DPC regarding the petitioner with the following words:

“उत्तराखण्ड राज्य सिविल सेवा के ज्येष्ठ वेतनमान 15600-39100 ग्रेड पे 6600 से चयन श्रेणी वेतनमान 15600-39100 ग्रेड पे 7600 में प्रोन्नति हेतु दिनांक 29.07.2016 को आयोजित चयन समिति की बैठक का कार्यवृत्त

उत्तराखण्ड सिविल सेवा (कार्यकारी शाखा) संवर्ग के चयन श्रेणी वेतनमान 15600-39100 ग्रेड पे 7600 में पदोन्नति हेतु विभागीय चयन समिति की बैठक दिनांक 29.07.2016 को आयोजित हुयी। चयन समिति में निम्नलिखित अधिकारियों ने अध्यक्ष एवं सदस्य के रूप में भाग लिया:-

- |   |         |
|---|---------|
| 1- श्री शत्रुघ्न सिंह<br>मुख्य सचिव।                | अध्यक्ष |
| 2- श्री एस0 रामास्वामी<br>अध्यक्ष राजस्व परिषद।     | सदस्य   |
| 3-श्रीमती राधा रतूणी<br>प्रमुख सचिव, कार्मिक विभाग। | सदस्य   |

2- चयन चयन समिति द्वारा दिनांक 29.07.2016 को आयोजित बैठक के कार्यवृत्त के प्रस्तर-09 पर अंकित तालिका के क्रमांक-21 पर उल्लिखित श्री श्रीष कुमार की चरित्र प्रविष्टियों के विवरणानुसार उन्हें वर्ष 2013-14 में “प्रतिकूल प्रविष्टि” प्रदत्त होने के कारण चयन समिति श्री श्रीष कुमार को “अनुपयुक्त श्रेणी” में वर्गीकृत करते हुये चयन वेतनमान ग्रेड पे 7600 में पदोन्नति हेतु संस्तुत नहीं किया जाता है। चूंकि श्री श्रीष कुमार के विरुद्ध अनुशासनिक कार्यवाही भी प्रचलित है। अतएव चयन समिति की संस्तुति “बन्द लिफाफे” में रखे जाने की संस्तुति भी की जाती है।

(राधा रतूणी)

(एस0 रामास्वामी)

(शत्रुघ्न सिंह )”

Admittedly, in these recommendations, the fact of adverse entry for the year 2013-14 was also mentioned hence, he was found unfit and simultaneously, it was also mentioned that against the petitioner, disciplinary proceeding is pending hence, recommendations be kept in a sealed cover. The disciplinary proceeding was dropped vide order No. 2032/ XXX-1. 2014-21(18)2005 dated 20.12.2016 and the petitioner was exonerated from the pending disciplinary proceedings. Thereafter, he represented for grant of promotional scale, but was denied on the basis of alleged adverse entry for the year 2013-14.



12. Learned Counsel for the petitioner has contended that at the time of meeting of DPC, there was only one adverse matter of departmental proceeding against the petitioner before the committee, but the recommendations dated 29.07.2016 clarifies that before the committee the fact of adverse entry as well as fact of disciplinary proceeding, both were placed. Admittedly, the disciplinary proceeding was finally dropped hence, pendency of disciplinary proceeding cannot disentitle the petitioner for selection scale.

13. As regards the fact of adverse entry for the year 2013-14 (particularly from 01.04.2013 to 10.07.2013), the petitioner has contended that he was never informed about any such adverse entry and only on 10.01.2018, he came to know for the same when writ petition was filed by him. Respondents could not prove that the adverse entry recorded for the year 2013-14 was earlier communicated to the petitioner, because they themselves have admitted that such adverse entry was first time communicated to the petitioner vide letters dated 02.08.2016 (Annexure CA-3) and another letter dated 02.11.2016 (Annexure: CA-4). It is the contention of the respondents that such communication was sent to the petitioner through speed post on his address, although, petitioner denied the acceptance of such communication.

14. In the alternative, it is argued by the petitioner that both such alleged communications were made only after the date of DPC. Learned counsel for the petitioner has referred to the fact that on the date of DPC, such adverse remark was admittedly uncommunicated, and uncommunicated adverse remark cannot be considered against the petitioner for granting such promotional scale, as per the rules and judgments of the Courts. We agree with this argument.

15. As per Rule 4 of the said Rules of 2015, it is necessary to communicate the entry to the employee within the stipulated time where upon, the employee can submit his representation within a

period of 45 days and then within the stipulated time, the representation must have been decided by the competent authority. The rule 5 of the said Rules also clarifies that if the adverse remarks are not communicated to the employee, or disposal of his representation is not made as per Rule 4, such adverse remark cannot be considered as adverse against the public servant in promotion or other service matters. We find that the so called adverse remark of 2013-14 which was considered and was read against the petitioner by the DPC, could not be considered against him in view of its non-communication to the petitioner before the date of DPC.

16. The remark for the year 2013-14 was communicated to the petitioner, for the first time only, on 02.08.2016 by the respondents as per their own statement, whereas, the proceedings of DPC were completed on 29.07.2016. On the date of DPC, the so called adverse remark was admittedly uncommunicated hence, such adverse remark cannot be considered neither by the committee, nor by the appointing authority for granting or denying the service benefit i.e. the selection scale. Hence, on the basis of the alleged uncommunicated adverse entry of 2013-14 which was admittedly not communicated till the date of DPC and not even after such a long time as per the contention of the petitioner, cannot disentitle him for granting selection scale along with other officers, some of whom were junior to him. The other pending disciplinary proceedings on the basis of which recommendations were kept in sealed cover, were dropped and petitioner was exonerated. Hence, on that basis, he cannot be denied such benefit.

17. We find that in the list of 32 officers, the name of the petitioner was placed at sl. No. 21 and on the basis of recommendations of the DPC dated 29.07.2016 his juniors were also allowed pay scale of Rs. 15600-39100 with grade pay of Rs. 7600 w.e.f. 31.03.2014 hence, recommendations of DPC denying him such

benefit is not justified. Accordingly, he is also entitled for selection scale like his juniors w.e.f. 31.03.2014. Accordingly, the claim petition deserves to be allowed and the following order is hereby passed.

**ORDER**

The claim petition is hereby allowed.

The recommendation of the DPC dated 29.07.2016 about the petitioner, placing him in the unfit-category on the basis of the adverse entry of 2013-14 is hereby set aside.

The petitioner is also entitled for sanction and grant of pay scale of Rs. 15600-39100 with grade pay of Rs. 7600 like his juniors, w.e.f. 31.03.2014 alongwith its arrears and other benefits. Respondents are directed to allow such benefit to the petitioner within a period of four months from the date of production of copy of this order.

No order as to costs.

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

**(RAM SINGH)**  
VICE CHAIRMAN(J)

*DATED: DECEMBER 24, 2020*  
*DEHRADUN.*  
*KNP*