



IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE ACTING CHIEF JUSTICE SRI MANOJ KUMAR TIWARI
AND
HON'BLE SRI JUSTICE VIVEK BHARTI SHARMA

WRIT PETITION (S/ B) NO. 706 OF 2024

14TH NOVEMBER, 2024

B.S. Chauhan Petitioner

Versus

State of Uttarakhand & others Respondents

Counsel for the petitioner : Mr. Subhash Upadhyaya, learned
counsel through video conferencing
with Mr. Sandeep Kothari, learned
counsel

Counsel for the respondents : Mr. C.S. Rawat, learned Chief
Standing Counsel assisted by Ms.
Puja Banga, learned Brief Holder for
the State

The Court made the following:

JUDGMENT: (per Hon'ble The Acting Chief Justice Sri Manoj Kumar Tiwari)

Petitioner is serving as Joint Excise
Commissioner, Kumaun Region, Haldwani, District
Nainital.



2) By means of this writ petition, petitioner has sought the following reliefs :

“(i) Issue a writ, order or direction in the nature of mandamus directing the respondents to approve the result / recommendation of the DPC held on 16th November 2023 for considering the case of promotion of the petitioner on the post of Additional Excise Commissioner, State of Uttarakhand, Dehradun, and consequently to act in accordance with recommendation of DPC dated 16.11.2023 and to issue order of promotion of the petitioner, promoting him to post of Additional Excise Commissioner (contained as Annexure no. 6 to this petition).

(ii) Issue a writ, order or direction in nature of mandamus directing the respondents to promote the petitioner on the post of Additional Excise Commissioner w.e.f. 16.11.2023 and to grant him all consequential benefits from the said date and the arrears of salary so accrued be paid along with the interest @ 12% per annum.”

3) According to the petitioner, a promotion exercise was held in October 2023 for promotion to the post of Additional Excise Commissioner, and petitioner's claim was considered for such promotion by the DPC held on 16.11.2023. Counsel for the petitioner submits that petitioner's name was recommended for promotion,



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however, the recommendation made by the DPC is pending consideration before the department of Appointment and Personnel since 16.11.2023. It is further the contention of learned counsel for the petitioner that the promotion exercise was initiated during the last selection year, i.e., 2023-2024, and now, the next selection year 2024-2025 is also about to come to an end in the month of June, but no decision has been taken on the recommendation made by the DPC.

4) Mr. C.S. Rawat, learned Chief Standing Counsel, on instruction, submits that the Department of Appointment and Personnel is ceased of the matter, and it will take some time to complete the promotion exercise.

5) The inordinate delay caused by Department of Appointment and Personnel do not appear to be justified. When the name of the petitioner has been recommended by the duly constituted DPC, decision to promote, or not to promote, has to be taken by the competent authority within a reasonable time. Almost one year has gone by since the DPC was held, therefore, we do not approve of the manner in which the Department of Appointment and Personnel has dealt with the matter.



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6) The writ petition is, accordingly, disposed of with a direction to the Secretary, Department of Appointment and Personnel, to take decision on the recommendation made by the DPC within three weeks from the date of production of certified copy of this order.

MANOJ KUMAR TIWARI, A.C.J.

VIVEK BHARTI SHARMA, J.

Dt: 14TH NOVEMBER, 2024
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HIMANSHU NEGI

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