



2025:UHC:2870-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

**HON'BLE JUSTICE SRI MANOJ KUMAR TIWARI AND
HON'BLE JUSTICE SRI ASHISH NAITHANI**

Writ Petition (S/B) No. 6 of 2017

Mohd. Aslam

-Petitioner

Versus

Chief Conservator of Forest and others

--Respondents

Presence:-

Ms. Anupriya Kukreti, Advocate holding brief of Mr. M.C. Pant,
Advocate for the petitioner.

Mr. Ganga Singh Negi, Additional CSC for the State

Mr. Pankaj Miglani, Advocate for the respondent

The Court made the following:

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

1. This writ petition was filed in the year 2017,
seeking following relief:

“i. Issue writ rule or direction in the nature
of certiorari quashing the impugned judgment
and orders dated 18.11.2016 and 21.06.2016
as contained to annexure no. 1 & 2 of this
writ petition and in league with judgment and
order dated 23.01.2015 and 28.08.2015 as
contained to annexure no. 3 & 4 to this
petition to that extent whereby the benefit of
promotion w.e.f. 2000 and 2006 is denied to
the petitioner along with its effect and
operation also, after calling the entire records
from the respondents.”

2. Petitioner was serving as Additional Statistical
Officer in forest department. He filed Claim Petition No.
13/DB/2014, claiming notional promotion as Statistical
Officer w.e.f. 20.11.2006 with all consequential
benefits. The said claim petition was decided by learned
Uttarakhand Public Services Tribunal vide judgment
dated 23.01.2015. Operative portion of said judgment



is extracted below:

“The petition is partly allowed. The State Government is directed to send the matter back to the Commission to reconsider the candidature and suitability of the petitioner for promotion to the post of Statistical Officer providing the Commission all necessary details in the light of findings of the Tribunal in this order for suitable recommendation by the Commission and thereafter, pass an appropriate order in respect of the petitioner. The State Government will complete this exercise within two months from the date certified copy of this order is produced before the respondent No. 2 and 3. It is, however, made clear that since the petitioner has already retired on 31.3.2013, the promotion of the persons as per order dated 19.11.2013 (Annexure:A3) will remain unaffected. No order as to costs.”

3. Petitioner thereafter filed a Review Petition, which was dismissed by learned Tribunal vide order dated 28.08.2015.

4. In terms of the judgment dated 23.01.2015, rendered by learned Tribunal, petitioner's case for promotion was forwarded to Uttarakhand Public Service Commission and the Commission convened a meeting of Selection Committee on 11.04.2016 and ultimately recommended the petitioner for promotion against vacancy of selection year 2011-12. The State Government, thereafter, passed an order stating that notional promotion can be claimed only from the date of promotion of a junior person and since no person junior to the petitioner was promoted as Statistical Officer and petitioner himself retired on 31.03.2013, therefore it is not possible to give him promotion from a retrospective date, as claimed by the petitioner.

5. Petitioner thereafter filed an application seeking execution of the judgment dated 23.01.2015, rendered by learned Tribunal. The said application has been



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rejected by learned Tribunal vide order dated 18.11.2016 on the ground that there was no positive direction to promote the petitioner as Statistical Officer from a retrospective date and the only direction was to consider his claim, which has been considered by the Competent Authority. Petitioner has challenged the order passed on his execution application on 18.11.2016.

6. The reasoning given by learned Tribunal for rejecting petitioner's execution application is sound and valid. We do not find any reason to interfere in the matter.

7. Learned Tribunal in its judgment dated 23.01.2015 had directed the competent authority to consider petitioner's claim for promotion and the competent authority has examined the matter and passed an order by giving valid reasons.

8. After decision by the Competent Authority, nothing remained to be executed. Thus, learned Tribunal was justified in rejecting the execution application. There is no scope for interference in the matter. The writ petition fails and is dismissed.

MANOJ KUMAR TIWARI, J.

ASHISH NAITHANI, J.

Dt: 22nd April, 2025
Mahinder