



2025:UHC:10993-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Bench No. 339 of 2025

10th December, 2025

State Of Uttarakhand and Another Petitioners

Versus

Omkar Nath Kosta Respondent

Presence:-

Mr. Pooran Singh Bisht, learned Addl. C.S.C. for the State/petitioner.

Mr. Bhagwat Mehra and Mr. Dheeraj Joshi, learned counsel for respondent.

Coram : Hon'ble Ravindra Maithani, J. (Oral)

Hon'ble Alok Mahra, J.

In the present writ petition, challenge has been made to the judgment and order dated 21.03.2025 passed by the learned Uttarakhand Public Services Tribunal, Nainital Bench, in Claim Petition No. 24/NB/DB/2024, Omkar Nath Kosta vs. State of Uttarakhand and Another, as well as the order dated 04.04.2025 modifying the earlier judgment dated 21.03.2025.

2. The respondent was serving as Head of Department (Electrical Engineering) in Government Polytechnic, Uttarkashi (the “College”) during the year 2003–2004. For the relevant year, the Principal of the College, acting as the Reporting Officer, awarded the



respondent a 'Bad' Grade of the annual confidential remarks of 2003-2004 and had also not certified the integrity of the respondent. The Reviewing Officer, however, disapproved the assessment of the Reporting Officer and recorded that the respondent discharged his duties with sincerity and dedication, and he is fully suitable for promotion on his turn. The Accepting Officer, without assigning any independent grading either positive or negative endorsed on 15.06.2004 that he agreed with the Principal only for the period from 25.09.2003 to 31.03.2004.

3. The respondent thereafter submitted a representation against the said adverse entry. As per the Uttarakhand Government Servants (Disposal of Representations against Annual Confidential Report and Allied Matters) Rules, 2002 ("the 2002 Rules"), such representation was required to be decided within 120 days. Since no decision was taken within the stipulated period, the adverse entry stood nullified on that ground alone. Subsequently, the State Government decided the representation and observed that the examination results of the students taught by the respondent for the year 2003-04 were very good, and therefore there was no justification for awarding a 'Bad' Grade. The respondent was thereafter denied ACP benefits on the ground of non-



certification of integrity, which he challenged before the Tribunal.

4. The Tribunal accepted the respondent's contentions, holding that his integrity had never been categorized as "doubtful". Rather, it was marked as "non-certified" solely on the basis of the adverse remarks/Bad entry. Once the said 'Bad' entry stood expunged by the State Government, no further adverse inference can be attributed to the said alleged entry for the year 2003-04. Now, it is challenge by the State Government.

5. Heard learned counsel for the parties and perused the record.

6. Learned State Counsel would submit that the integrity of the respondent was not certified for the relevant period. He further submits that Ground "H" of the writ petition clarifies that integrity is an overall and substantive assessment, which cannot be ignored while filing the Annual Confidential Report of an employee.

7. To this, learned counsel for the respondent contends that the sole basis for non-certification of integrity by the Principal/Reporting Officer was the 'Bad' Grade awarded to the respondent and once the said 'Bad' Grade has been expunged, nothing survives for continuing the non-certification of integrity.

8. The sequence of events clearly reveals that the



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‘Bad’ Grade awarded by the Reporting Officer was disagreed with by the Reviewing Officer. Although the Accepting Officer accepted the adverse remarks for a limited period, the State Government ultimately expunged the adverse entry in its entirety. The Tribunal has correctly observed that the integrity of the respondent was never declared doubtful; it was merely left uncertified due to the existence of the ‘Bad’ Grade. Once the adverse entry stood expunged, there remained no justification to sustain the non-certification of integrity. The Tribunal, therefore, rightly upheld the respondent’s claim.

9. Having considered the submissions and the material on record, we are of the view that there is no infirmity or illegality in the impugned order, which may warrant interference under Article 226 of the Constitution of India.

10. Accordingly, the present writ petition lacks merit and is hereby dismissed.

11. There shall be no order as to costs.

(Alok Mahra, J.)
10.12.2025

Mamta

(Ravindra Maithani, J.)
10.12.2025