



2025:UHC:7948-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition Service Bench No. 772 of 2024

03 September, 2025

Amar Jeet Singh

--Petitioner

Versus

State of Uttarakhand and Others

--Respondents

Presence:-

Mr. Harendra Belwal, Advocate for the petitioner.

Mr. C.S. Rawat, learned C.S.C. along with Mr. J.C. Pandey, learned Standing Counsel for the State of Uttarakhand.

JUDGMENT: (per Subhash Upadhyay, J.)

The present writ petition has been filed with the following prayer:-

"i) Issue a writ, Rule or direction in the nature of certiorari to set aside/quash the impugned judgment and order dated 04.10.2024, (contained as Annexure No. 1 to this Writ Petition) passed by Learned Public Service Tribunal Bench at Nainital, in claim petition no. 69/NB/DB of 2023, titled as "Amar Jeet Singh Vs. State of Uttarakhand & Others".

ii) To declare, an office letter dated 05.04.2023, as arbitrary, illegal and unconstitutional (Annexure No. 3 to this writ petition).

iii) Issue a writ, order or direction in the nature of mandamus commanding the respondents to grant the benefit of the III Promotional Pay Scale with Grade Pay 5400/- after completion of 26 years services i.e. w.f.e.12.06.2012, with arrears and other consequential monetary benefits."



2. Brief facts of the case, as narrated in the writ petition, are that, petitioner was appointed as Assistant Agriculture Officer Grade-III vide order dated 12.06.1986 and, on the basis of the recommendation of the Departmental Screening Committee, the petitioner was granted the second promotional pay-scale in the grade pay of ₹4200 after completing 16 years of satisfactory service.

3. The petitioner contends that he is entitled for the third promotional pay-scale in the grade pay of ₹5400 after completion of 26 years of service w.e.f. 12.06.2012, however, the said benefit has been denied to the petitioner on the basis of the adverse entry for the year 2010-11 which was not communicated to him.

4. Learned counsel for the petitioner submits that earlier a Claim Petition No.28/NB/SB of 2021 was filed before the learned Public Service Tribunal, Dehradun with the following prayers:-

“i) To quash and set aside the screening committee report dated 22.05.2020, so far it relates to the petitioner as w.e.f. as the order dated 27.05.2020, passed by the respondent no.3.

ii) Issue a suitable order or direction, to the respondents to give the IIIrd Promotional Pay Scale carrying Grade Pay of Rs. 5,400/- on completion of 26 years of services i.e. w.e.f. 12.06.2012 with arrears.

iii) To issue any other suitable order or direction which



this Hon'ble Tribunal may deem fit and proper under the circumstances of the facts and circumstances of the case."

5. Learned Public Service Tribunal was pleased to pass an order on 21.12.2022 by which the respondents were directed to consider the representation of the petitioner against the entries of the year 2010-11 within 120 days from the date of passing of the order and, in case the entries are upgraded, further action was to be taken in the next two months with regard to grant of third promotional pay-scale in the grade pay of ₹5400 after completing 26 years of service.

6. The petitioner contends that the said representation was rejected vide order dated 05.04.2023 and the said order was assailed in Claim Petition No.69/NB/DB of 2023 which was decided on 04.10.2024 against which the present writ petition has been filed.

7. The learned counsel for the petitioner contends that the order passed by the learned Public Service Tribunal is against the judgment and order passed by the Hon'ble Apex Court in the case of *Devdutt Vs. Union of India and Others*, AIR 2008 SC 2513, *Sukhdev Singh Vs. Union of India and Others*, AIR 2013 SC 2741 and *Prabhu Dayal Khandelwal Vs. Chairman, Union Public Service*



Commission and Others, reported in AIR 2015 SC 3057 and is also against the Rule 56 of U.P. Fundamental Rules as contained in Financial Handbook Volume 2 to 4.

8. Per contra, learned counsel for the State submits that the judgments referred by the petitioner are not applicable in the present case as against the petitioner departmental proceedings were initiated in which recovery of an amount of ₹2,42,205/- was issued and writ petitioner was given a warning for future and his act was reprimanded. The petitioner did not challenge the said order of recovery, warning and reprimand and deposited the aforesaid amount in treasury.

9. Learned counsel for the State has drawn attention of this Court to paragraph no.4 of the impugned order passed by the learned Public Service Tribunal which is extracted below:-

"4. The respondents by filing C.A./W.S. submitted that the petitioner has been informed about the entries for the said review period dated 17.08.2010 to 31.03.2011 sent by the Additional Director of Agriculture vide letter no.621 dated 11.08.2011. In the said entry 2010-11, the Agriculture and Land Conservation Officer, Roorkee, Landhaura (Haridwar) has marked that "During the review period, Shri Amar Jeet Singh, Assistant Agriculture Officer, Class-2 has not properly discharged his duties and responsibilities. Even after the end of financial year 2010-11, no adjustment of four Nyay Panchayats bill has been presented. During inspection on 30/3/2011, a written statement was given by Shri Singh that no agricultural investment distribution register is ready. Departmental receipt has not been issued. The



said entry was timely informed to the petitioner by the department. Being dissatisfied with the said adverse entry, the petitioner sent his representation dated 09.01.2014 to the Additional Director of Agriculture, Garhwal Division, Pauri through proper channel, a copy of which was also sent to the Agriculture and Soil Conservation Officer, Ranikhet. The Agriculture and Soil Conservation Officer, Ranikhet sent the said representation to the Chief Agriculture Officer, Almora through his letter number 883 dated 16.01.2014. The Chief Agriculture Officer, Almora sent it to the Additional Director of Agriculture, Garhwal Division, Pauri through his letter number 2108 dated 28.01.2014. The disciplinary proceedings against the irregularities committed by the petitioner were terminated by the Directorate's letter no.462 dated 08.11.2019 with the recovery of the amount of Rs.2,42,205.00 and a warning for the future while reprimanding the act. No appeal/petition of any kind was filed by the petitioner in any court against the said order. Being satisfied with the said order, the petitioner deposited the said amount in the government treasury. In accordance with the provisions given in Government Order No.479/dated 08.07.2009, Government Order No.43/09.01.2013, Government Order No.1159/10.12.12, Government Order No.65/dated 09.03.2019 and Government Order No.11/dated 17.02.2017, on reviewing the character entries of the previous year before the due date 12.06.2012 of Shri Amarjit Singh, S.A. Class-2, the Screening Committee found that the character entry of the petitioner was not considered suitable for providing the benefit of third financial upgradation due to poor and doubtful category/below standard, due to which the third financial upgradation was not approved to the petitioner. The irregularities were committed by the petitioner in the department due to which the petitioner deposited the recovery of Rs. 2,42,205/-. The petitioner is well aware that only character entries of five years are taken into consideration. In view of the above, the promotion of the petitioner has been done by order number 5455 dated 05.01.2022 of the Directorate of Agriculture. The petitioner has been paid the dues and given promotion as per the Government orders in force from time to time. The claim petition is based on fabricated and false facts which deserve to be dismissed with costs."

10. Counsel for the respondents thus contends that the order of rejection of representation of the petitioner was justified and the claim petition filed against the said



order was dismissed on correct appreciation of facts and the said order is in accordance with law.

11. Having heard learned counsel for the parties, we are of the view that there is no infirmity in the order passed by the learned Public Service Tribunal. The contention of the petitioner that he was entitled for the benefit of the judgments pronounced by the Hon'ble Apex Court in the case of **Devdutt** (*supra*), **Sukhdev** (*supra*) and **Prabhu Dayal** (*supra*) as the adverse entry was not communicated to him is against the material available on record.

12. The fact that departmental proceedings were initiated against the petitioner in which he was found guilty of misconduct and recovery orders of ₹2,42,205/- was issued against him which was deposited by the petitioner without any protest and the fact that the petitioner was given warning and his act was reprimanded and the said orders were communicated to him is clearly borne out of the record. Writ petitioner did not challenge the said order of warning and reprimand by filing any appeal and the same became final.

13. The Committee constituted for the grant of Assured Career Progression (ACP) did not find the



petitioner suitable due to adverse entry in the ACR for the year 2010-11. Learned Tribunal thus came to the conclusion that the plea of the petitioner of non-communication of adverse entries and his claim that he was exonerated by the Disciplinary Authority was not acceptable.

14. Learned Public Service Tribunal has given cogent reasons for not interfering in the order passed by the departmental authorities and we are not inclined to take a different view than the view taken by the learned Public Service Tribunal.

15. The writ petition fails and the same is, accordingly, dismissed.

16. No orders as to the costs.

(G. NARENDAR, C.J.)

(SUBHASH UPADHAYA, J.)

Dated: 03.09.2025
Sukhbant