

MCC Recall/Restoration Application No. 266 of 2011  
MCC Modification Application No. 193 of 2011

In

WPSB No. 130 of 2010

**Hon'ble Barin Ghosh, C.J.**

**Hon'ble Sudhanshu Dhulia, J.**

Mr. I. P. Gairola, Advocate for the petitioner.

Mr. Vinay Kumar, Standing Counsel (State of Uttarakhand) for respondent nos. 1 and 2.

The reason for dismissal of the application for modification for non-prosecution, as disclosed in the application made for restoration, is that the learned counsel for the applicant could not attend Court on that day. That being the ground, we allow the application and restore the modification application by recalling the order of dismissal.

By consent of the parties, we have heard the modification application. It appears that an adverse entry was made in the ACR of the petitioner for the year 2002-03. This adverse entry has since been quashed by this Court. In such view of the matter, it is declared and clarified that there is no ACR entry for the said year and, accordingly, the Departmental Promotion Committee must proceed on the basis thereof.

With the above modification to the order dated 16<sup>th</sup> March, 2011, the modification application is disposed of.

**(Sudhanshu Dhulia, J.) (Barin Ghosh, C.J.)**

29.4.2011

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