

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO. 77/DB/2022

Bhuwan Chandra Pandey, aged about 61 years, s/o Late Sri Trilochan Chandra Pandey, r/o 1/13 A, Ashirwad Enclave, Chakarata Road, Ballupur, Dehradun, Uttarakhand.

.....Petitioner

vs.

1. The State of Uttarakhand through Secretary, Public Works Department, Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Chief Engineer and Head of the Department, Administration (B) Class, P.W.D., Dehradun, Uttarakhand.
3. Finance Controller, Engineer in Chief (HOD), P.W.D., Dehradun, Uttarakhand.
4. Superintending Engineer (Civil) Finance, P.W.D., Haridwar.
5. Executive Engineer, Provisional Division, P.W.D., Haridwar.
6. Director Lekha and Haqdari, Uttarakhand, Laxmi Road, Dehradun

.....Respondents

Present: Sri M.C.Pant, Advocate (online) &
Sri Abhishek Chamoli, Advocate, for the petitioner.
Sri V.P.Devrani, A.P.O., for Respondent No.1.

JUDGMENT

DATED: JULY 06, 2022

Justice U.C.Dhyani (Oral)

By means of present claim petition, petitioner seeks the following reliefs:

“(i) To declare and to quash the impugned order dated 01.06.2022 along with its effect and operation after calling the entire record declaring the same as arbitrary, malafide, void and a nullity keeping in view the facts highlighted in the body of the petition and further to direct the respondents to refund the entire amount which has been deducted and recovered by way of the impugned order from the petitioner along with 18% interest thereon.

(ii) To issue order or direction for the grant of damages and the compensation in tune of Rupees five lacs or such amount as the Court may deem fit and proper in the circumstances of the case in favour of the petitioner.

(iii) To award the cost of petition.”

[Emphasis supplied]

2. At the very outset Ld. Counsel for the petitioner confined his prayer only to the extent that petitioner’s representation dated 15.05.2022 (Annexure: A-11) may kindly be directed to be decided by respondents, at an early date, in accordance with law, to which Ld. A.P.O. has no objection.

3. Ld. A.P.O. stated that the petitioner’s representation dated 15.05.2022 (Annexure: A-11) has been forwarded by Executive Engineer, Provincial Division, P.W.D., Haridwar to Engineer-in-Chief (HOD), P.W.D., Respondent No.2. and the decision of Respondent No.2 on the representation of the petitioner is awaited.

4. The claim petition is, accordingly, disposed of at the admission stage by directing Respondent No.2 to decide the pending representation of the petitioner dated 15.05.2022 (Annexure: A-11), after giving an opportunity of personal hearing to the petitioner, by a

reasoned and speaking order, in accordance with law, at an earliest possible, and without unreasonable delay, on presentation of certified copy of this order along with copy of the representation.

5. It is made clear that we have not expressed any opinion on the merits of the case.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JULY 06, 2022
DEHRADUN

VM