

**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. 04/DB/2020

Rahul Negi, aged about 31 years, s/o Sri Mahesh Chandra Singh Negi, presently posted on the post of Constable in Uttarakhand Police at Kotwali, Mangalore, District Haridwar.

.....Petitioner

versus

1. State of Uttarakhand through Secretary, Home, Government of Uttarakhand, Subhash Road, Dehradun.
2. Police Mahanirikshak, Garhwal Region, Uttarakhand, Dehradun.
3. The Superintendent of Police, Chamoli.

..... Respondents

Present: Sri V.P. Sharma (virtual) and Sri Abhishek Chamoli,
Advocates, for the Petitioner
Sri V.P. Devrani, A.P.O. for the Respondents

Judgement

Dated: 16th February, 2023

Justice U.C. Dhyani (Oral)

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

- “(i) To quash and set-aside the impugned order dated 29-01-2018 Annexure A-1 of the claim petition passed by respondent no. 3.
- (ii) To quash and set-aside the appellate order dated 14-01-2019 Annexure A-2 of the claim petition passed by the respondent no. 2.

(iii) To quash and set aside the chargesheet dated 08-03-2016 issued by Shri Jagdish Chandra Yadav, Inquiry Officer Annexure A-4 of this claim petition.

(iv) To quash and set-aside the suspension order and to pay the full salary for the suspension period dated 13- 11-2015 to 26-08-2016 till the date of termination as per Provision of Law.

(v) To issue any other order or direction which the Hon'ble Court may deem fit and proper in the circumstances of case in favour of the petitioner.”

2. Petitioner was reverted to the minimum pay scale of constable for a period of 3 years, *vide* order dated 29.01.2018 (Annexure: A1). He filed departmental appeal against the same. Departmental appeal was dismissed *vide* order dated 14.01.2019 (Annexure: A2). Both the orders have been challenged in the present claim petition.

3. At the very outset, learned A.P.O. submitted that the effect of the impugned punishment orders was for 3 years and therefore, no purpose would be served by deciding the claim petition on merits.

4. Learned Counsel for the petitioner, therefore, prayed that a declaration be made that the effect of order dated 29.01.2018, which has been passed by disciplinary authority and has been affirmed by departmental appellate authority on 14.01.2019, has come to an end.

5. Learned A.P.O. has no objection to such innocuous prayer of learned Counsel for the petitioner.

6. It is accordingly directed that the effect of punishment order dated 29.01.2018, which was affirmed by the appellate authority on 14.01.2019, has come to end.

7. Learned A.P.O., on seeking instructions from the respondent-department, submitted that petitioner has been paid only subsistence allowance for the suspension period. He further stated that no other

service benefit of the petitioner, except minimum pay for a period of 3 years, has been withheld.

8. The claim petition is, accordingly, disposed of with the consent of learned Counsel for the parties. No order as to costs.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: 16th February, 2023
DEHRADUN
RS