

BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN

Present: Hon'ble Mr. Justice J.C.S.Rawat
----- Chairman

Hon'ble Mr. D.K.Kotia
-----Vice Chairman (A)

CLAIM PETITION NO.73/2011.

Chandan singh S/o Late Moti Singh aged about 54 years presently posted as District Entertainment Tax Officer, Haridwar.

.....Petitioner.

VERSUS

1. State of Uttarakhand through Principal Secretary Finance, Uttarakhand, Civil Secretariat, Dehradun.
2. Secretary Finance, Uttarakhand, Civil Secretariat Dehradun.
3. Commissioner Taxes,(Entertainment)Uttarakhand, Natthanpur, Pulia No. 6, Dehradun.
4. Shri V.P. Rawat, Presently, District Entertainment Tax Officer, Almotra, Uttarakhand.

.....Respondents

Present: Sri Shashank Pandey, Ld. Counsel
for the petitioner.
Sri Umesh Dhaundiya, Ld. P.O.
for the respondents.

JUDGMENT

DATED: FEBRUARY 27,2015.

(Justice J.C.S. Rawat, (Oral)

1. This claim petition has been filed for seeking following relief:-

“it is therefore most respectfully prayed that the Hon'ble Tribunal may graciously be pleased to:-

- a. To quash the promotion order No. 457/XXVII(9)/2011/Ent. Tax-01/2005dated 29th September 2011 or in alternative.
- b. To direct the respondents to promote the petitioner by same date since when the junior to the petitioner respondent No.4 has been promoted.
- c. To give the cost to the petitioner

d. Any other relief that the Hon'ble Tribunal may deem fit.”

2. The petitioner has alleged in his claim petition that junior to the petitioner has been promoted in the year 2011 and the petitioner has been bypassed in view of the punishment order passed by the appointing authority. It is also alleged in the rejoinder affidavit that revision application is also pending before the competent authority against order of non promotion of the petitioner.
3. Today, while deciding the claim petition No. 87/11, we have held as under:-

“In view of the above and for the reasons stated above, the claim petition is liable to be succeeded and is hereby allowed. The impugned order dated 23.04.2010 (Annexure-A-1), passed by the Secretary, Finance, the punishing authority, and appellate order dated 20.06.2011(Annexure-A-2) passed by Principal Secretary, Finance, the appellate authority are hereby quashed. The charges framed by the enquiry officer are being void-ab-initio, are hereby quashed. It would be open to the disciplinary authority to proceed afresh against the petitioner in accordance with law after initiating a proper enquiry and framing of the proper charges, if he so desires. We hope and trust that the enquiry would be concluded within a period of eight months from the date of filing of the copy of this order. We will also like to observe, at the time of the framing of the charges, the departmental authority will go through the entire record and the relevant matters related to the enquiry and will frame charges afresh if he desires to proceed the inquiry. No order as to costs.”

4. Thus, the punishment order has been quashed and the appointing authority has been given a discretion to initiate fresh inquiry, if he so desires. In view of the above fact, the punishment order, which was taken into consideration at the time of the promotion, as come to an end and the order as extracted above, was passed in favour of the petitioner. The revision is still pending before the competent authority against the impugned order. The petitioner may agitate the point agitated in this petition before the revisional authority and may further add the additional grounds in the revision as averred in the

petition. In view of the above the petition is disposed of accordingly. In case the order of the State Government or the competent authority is not passed in favour of the petitioner, he may seek his redressal before the Tribunal on the same cause of action. No order as to costs.

(D.K. KOTIA)
VICE CHAIRMAN (A)

(JUSTICE J.C.S.RAWAT)
CHAIRMAN

DATED: FEBRUARY 27, 2015
DEHRADUN

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