

**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. 137/DB/2023**

Praveen Tandon, aged about 56 years, s/o Sri Bishan Narayan Tandon, r/o 659, Indira Colony, Dehradun.

**.....Petitioner**

**VS.**

1. Board of Directors through Company Secretary, Power Transmission Corporation of Uttarakhand Limited, Vidyut Bhawan, Near ISBT Crossing, Saharanpur Road, Majra, Dehradun.
2. Chairman, Power Transmission Corporation of Uttarakhand Limited, Vidyut Bhawan, Near ISBT Crossing, Saharanpur Road, Majra, Dehradun
3. State of Uttarakhand through Principal Secretary, Department of Energy, Government of Uttarakhand, Secretariat, Dehradun.
4. In-Charge Managing Director, Power Transmission Corporation of Uttarakhand Limited, Vidyut Bhawan, Near ISBT Crossing, Saharanpur Road, Majra, Dehradun.
5. In-Charge Director, Human Resource and Administrative Department, Power Transmission Corporation of Uttarakhand Limited, Vidyut Bhawan, Near ISBT Crossing, Saharanpur Road, Majra, Dehradun.
6. Prakesh Chand Dhyani, s/o Late Sri S.P.Dhyani, r/o T-8, Yamuna Colony, Dehradun.

**....Respondents.**

Present: Sri S.S.Yadav, Advocate, for the petitioner. (online)  
Sri V.P.Devrani, A.P.O., for the Respondent No.3.  
Sri Vinay Kumar (online) & Sri S.K.Jain, Advocates  
for Respondents No. 1, 2, 4 & 5 (Respondent Corporation).  
Sri Rohit Dhyani, Advocate, for Respondent No.6.

**JUDGMENT**

**DATED: AUGUST 08, 2023**

**Justice U.C.Dhyani (Oral)**

Petitioner, G.M. ( Legal) and Company Secretary (under suspension) in the Power Transmission Corporation of Uttarakhand Limited (for short, Respondent Corporation) has filed present claim petition, *inter alia*, challenging various charge-sheets dated 21.07.2023 and 22.07.2023. Petitioner has also prayed for directing the respondents to decide the pending representations dated 25.10.2022 and 09.11.2022 (Annexure: 11 *colly*) to the Addl. Chief Secretary/ Chairman PTCUL and representation filed by the petitioner to Board of Directors, dated 26.06.2023 ( Annexure: 5), as an interim relief. Necessary documents have been filed with the claim petition.

2. Whereas present petition has been filed challenging the charge-sheets before this Tribunal, petitioner has filed WPSB No. 278/2023 before Hon'ble High Court of Uttarakhand at Nainital, challenging his suspension order.

3. In fact, the writ petition filed before the Hon'ble High Court and claim petition filed before the Tribunal are offshoots of the same subject matter- the former challenging the suspension order and latter challenging the charge-sheets. Voluminous record of the claim petition contains allegations and counter allegations. A lot of mud slinging, venom and vituperations, *prima facie*, is reflected in the claim petition filed before the Tribunal. Anyway, the same can be brought to its logical conclusion only in due course of law.

4. Hon'ble High Court has been pleased to pass order dated 05.07.2023 in WPSB No. 278/2023, as follows:

"1. Mr. A.S. Rawat, learned Senior Counsel assisted by Mr. Girveer Chand, learned counsel for the petitioner.

2. Mr. Vinay Kumar, learned counsel for respondent nos.1 to 3.

3. Mr. J.C. Pande, learned Standing Counsel for the State- respondent no.5.

4. It is argued by learned Senior Counsel that the suspension order dated 07.06.2023 has been issued by the Managing Director of the Power Transmission Corporation of Uttarakhand Limited, whereas the appointing authority of the petitioner is the Board of Directors since the petitioner is holding the statutory post of General Manager (Legal) and Company Secretary of the respondent- Corporation.

5. Let the respondents file an affidavit disclosing as to, whether or not, the Board of Directors of the respondent- Corporation has granted approval for the suspension of the petitioner. The affidavit be filed within a week.

6. List on 19.07.2023.”

5. Two options are available before the Tribunal- (i) to admit the petition and direct the respondents to file Counter Affidavits and (ii) to direct the appropriate authorities to decide the pending representations of the petitioner, although such representations are non-statutory in nature.

6. Whereas, Sri S.S.Yadav, Ld. Counsel for the petitioner submitted that the petitioner’s representation dated 26.06.2023 (Annexure: 5) may kindly be directed to be decided by Respondent No.1 (apex body, Board of Directors) as per law; Sri Vinay Kumar, Ld. Counsel for Respondent Corporation submitted that necessary powers have been delegated by the Board of Directors, PTCUL to M.D., PTCUL.

7. It may be noted here that the subject matter of Annexure: 5 is – earnest request to the Board Members to provide justice and safeguard (petitioner) under the whistle blower policy of PTCUL. When the Tribunal perused the contents of Annexure- 5, it was revealed that, largely, it is against the suspension order and for protection against F.I.R. Annexure: 5 dated 26.06.2023, therefore, has no connection with the subject matter of present claim petition.

8. The Tribunal should restrain its hand by way of deference to the Hon’ble Court, for the simple reason that suspension order has been put to challenge by the petitioner before Hon’ble High Court.

9. Innocuous prayer of Ld. Counsel for the petitioner that fresh representation moved by the petitioner, may kindly be directed to be decided by the appropriate authority (BoD), by a reasoned and speaking order after

giving due opportunity of hearing, seems to be the only feasible legal option before the Tribunal to dispose of the claim petition, at the admission stage.

10. The claim petition is disposed of, at the admission stage, by directing Respondent No.1 to decide the representation of the petitioner, by a reasoned and speaking order, in accordance with law, without unreasonable delay, on presentation of certified copy of this order along with fresh representation. No order as to costs.

11. It is made clear that the Tribunal has not expressed any opinion on the merits of the claim petition including the question as to who is the appointing authority of the petitioner and whether M.D. of the Respondent Corporation is authorized to issue charge-sheet against the petitioner or not. Rival contentions are left open.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN

*DATE: AUGUST 08, 2023.*  
*DEHRADUN*

*VM*