

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

CLAIM PETITION NO. 13/SB/2024

Rakesh Semwal, s/o Sri Medhani Dhar Semwal, age 53 years, serving as Officer on Special Duty, Shri Badrinath Kedarnath Mandir Samiti, Peepal Koti, r/o Miyanwala, Dehradun.

.....Petitioner

vs.

1. The Secretary, (Dharmaswa), Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. The Chairman, Shri Badrinath Kedarnath Mandir Samiti, Canal Road, Dehradun.
3. The Chief Executive Officer, Shri Badrinath Kedarnath Mandir Samiti, Dehradun.

.....Respondents

Present: Sri Uttam Singh, Advocate, for the Petitioner
Sri V.P. Devrani, A.P.O. for the State Respondents.

JUDGMENT

DATED: FEBRUARY 14, 2024.

Justice U.C. Dhyani (Oral)

By means of present claim petition, petitioner, *inter alia*, seeks to direct the respondent no.1 to decide his departmental appeal dated 13.10.2023 (Annexure: A-1).

2. According to the petition, petitioner is serving as O.S.D., Shri Badrinath Kedarnath Temple Committee (for short, BKTC). He was awarded

punishment of stoppage of increment with cumulative effect (major punishment), special adverse entry and recovery of loss caused to the Government, *vide* order dated 13.09.2023 of the Chairman, BKTC, Dehradun (Respondent No.2).

3. Petitioner preferred departmental appeal to the Secretary Religious Endowment, Govt. of Uttarakhand (Respondent No.1), on 13.10.2023. The same has not been decided so far.

4. The prayer of the petitioner, in present claim petition, is to direct Respondent No.1 to decide departmental appeal dated 13.10.2023 (Annexure: A-1) of the petitioner. Ld. Counsel for the petitioner submitted that a direction be given to Respondent No.1 to decide the departmental appeal at an early date. Ld. A.P.O. has no objection to such innocuous prayer of Ld. Counsel for the petitioner. Ld. A.P.O. submitted that a direction may be given to Respondent No.1 to decide the departmental appeal of the petitioner, as per law.

5. Ld. Counsel for the parties submitted that such an order can be passed by Single Bench of the Tribunal.

6. The claim petition is disposed of, at the admission stage, with the consent of Ld. counsel for the parties, by directing Respondent No.1 to decide the departmental appeal dated 13.10.2023 (Annexure: A-1) of the petitioner by a reasoned and speaking order, as per law, without unreasonable delay, preferably within 12 weeks of presentation of certified copy of this order along with copy of appeal, enclosing the documents in support thereof. No order as to costs.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: FEBRUARY 14, 2024
DEHRADUN