

**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. 65/DB/2019

Govind Ram Chamoli aged about 59 years, s/o Late Pati Ram Chamoli, Retd. Revenue Sub-Inspector, Tehsil Lansdown, District Pauri Garhwal, R/o Village and Post Kumbichaur, Patti Sneh, Tehsil Kotdwar, District Pauri Garhwal.

Petitioner.

vs.

1. State of Uttarakhand through Secretary, Revenue, Govt. of Uttarakhand, Subvhash Road, Dehradun.
2. Commissioner and Secretary Revenue Board, Uttarakhand, Dehradun..
3. Commissioner, Garhwal Mandal, District Pauri.
4. Director, Dairy Development Department, Uttarakhand, Haldwani, District Nainital.

.....Respondents.

Present: Sri L.K.Maithani, Counsel, for the petitioner.

Sri V.P.Devrani, A.P.O., for Respondents.

JUDGMENT

DATED: JUNE 24, 2019

Justice U.C.Dhyani (Oral)

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

“i) To quash the impugned punishment order dated 25.07.2013 (Annexure No. A- 1) passed by the respondent no.4 and appellat order dated 08.01.2015 (Annexure: No. A-2) passed by the respondent

no.3, declaring the same as wrong, illegal and non-est in the eyes of law.

ii) To issue an order or direction to the concerned respondents to grant all consequential benefits of service to the petitioner which were withheld due to the above punishment and accordingly fix the pay and pension of the petitioner.

iii) To issue any order or direction to the respondents which this court may deem fit and proper in the circumstances of the case.

iv) To award the cost of the petition.”

2. Brief facts, giving rise to present claim petition, are as follows:

The petitioner was appointed *Patwari* on 27.11.1984. Post of *Patwari* is now known as Revenue Sub-Inspector. On 18.01.2012, S.D.M., Dhumakot (inquiry officer) issued a charge sheet to the petitioner in which two charges were levelled against him. The petitioner has taken a ground in the claim petition that the inquiry officer was appointed prior to issuance of charge sheet. On 15.03.2012, petitioner submitted reply to the charge sheet, to the inquiry officer. It is the submission of Ld. Counsel for the petitioner that without conducting proper and regular inquiry and without fixing any date for hearing, inquiry officer submitted his report to Respondent No.4. Respondent No.4, thereafter issued a show cause notice along with copy of inquiry report to the petitioner and sought his reply. The petitioner submitted reply to the show cause notice to Respondent No.4 on 27.07.2013. It is submitted by Ld. Counsel for the petitioner that without considering the reply of the petitioner, Respondent No.4 punished the petitioner with the punishment of reversion of petitioner in the minimum stage of pay scale of Rs.9300-34800/- grade pay Rs.4200/- in pay band-2.

Aggrieved with the punishment order, petitioner preferred departmental appeal to Respondent No.3 on 24.08.2013. Such departmental appeal was dismissed *vide* order dated 08.01.2015. Petitioner, thereafter, preferred second appeal to Respondent No.2 on 20.03.2015, but till date decision on revision of the petitioner has not been communicated to him. Hence, present claim petition.

3. It is the submission of Ld. A.P.O. that the claim petition is hopelessly time barred and there is no provision for second appeal against the dismissal of departmental appeal.
4. After arguing the claim petition at some length, Ld. Counsel for the petitioner seeks to withdraw the claim petition with liberty to the petitioner to file representation to the Government, against the impugned order, in accordance with law. Ld. A.P.O. is not averse to give such liberty to the petitioner, as may be available to him in law.
5. The claim petition is, accordingly, dismissed as withdrawn with liberty, as above.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JUNE 24, 2019
DEHRADUN

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