

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCH AT NAINITAL**

Through audio conferencing

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

CLAIM PETITION NO. 16/NB/DB/2020

Bishan Singh Dhapola aged about 56 years, s/o Late Sri Laxman Singh Dhapola, presently posted as Chief Assistant at Child Development Project Officer's Office, Dwarahat, District Almora.

.....Petitioner

vs.

1. State of Uttarakhand through Principal Secretary, Women Empowerment and Child Development Department, Government of Uttarakhand, Dehradun.
2. Director, ICDS Uttarakhand (Women Empowerment & Child Development Department) Uttarakhand, Dehradun.

.....Respondents

Present: Sri Amar Murti Shukla, Advocate for the Petitioner.

Sri Kishor Kumar, A.P.O., for the Respondents

JUDGMENT

DATED: OCTOBER 04, 2021

Justice U.C.Dhyani (Oral)

When present claim petition was filed, the petitioner sought the following reliefs:

- a) *To set aside the impugned order dated 30.01.2020 passed by Respondent no. 2 (Contained as Annexure: A1 to this petition).*
- b) *To issue any other order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.*
- c) *Award cost of the petition.*

3. Learned Counsel for petitioner stated that in view of the subsequent developments, the petitioner has been given his original post and he is discharging his duties as Head Clerk in the respondent department. Learned Counsel for the petitioner further stated that the cause of action does not survive, as of now. If any cause of action arises in future, the petitioner will file fresh claim petition.

4. Respondent department has kept the Office Order dated 30.01.2020, which is in the form of Notice for compulsory retirement, in abeyance. Learned A.P.O. has verified the above noted fact.

5. In view of the subsequent developments, as noted above, the claim petition has rendered infructuous. The same is, accordingly, closed as infructuous.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: OCTOBER 04, 2021

NAINITAL.

KNP