

**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. 84/DB/2022

Anoop Bisht, Office Assistant, Grade-3, Tourist HQR, Garhwal
Mandal Vikas Nigam Ltd., Dehradun.

.....Petitioner

vs.

1. The Secretary (Tourism) Government of Uttarakhand, Secretariat,
Subhash Road, Dehradun.
2. The Chairman, Garhwal Mandal Vikas Nigam Limited, 74/1 Rajpur
Road, Dehradun.
3. The Managing Director, Garhwal Mandal Vikas Nigam Limited, 74/1
Rajpur Road, Dehradun.
4. The Manager, Karnprayag Gas Service, Garhwal Mandal Vikas
Nigam Limited, Chamoli.

.....Respondents

Present: Sri Uttam Singh, Advocate, for the petitioner.
Sri V.P.Devrani, A.P.O., for Respondent No.1.

JUDGMENT

DATED: JULY 27, 2022

Justice U.C.Dhyani (Oral)

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

“(I) Direct the respondent to decide the appeal dated 06.04.2022 filed by the petitioner for setting aside the punishment order dated 10.02.2022.

(II) Direct the respondent to decide the representation of the petitioner in terms of para-4 of the claim petition.

(III) Direct the respondent not to recover the alleged loss from the salary of the petitioner till the disposal of the appeal and refund the recovered amount.

(IV) To pass any other suitable order, which the Hon’ble Tribunal may deem fit and proper on the basis of the facts and circumstances of the case.

(V) Award the cost of the petition to the petitioner.”

2. At the very outset, Ld. A.P.O. objected to the maintainability of the claim petition , *inter alia*, on the ground that the same is premature in view of Section 4(6) of the Uttar Pradesh Public Services (Tribunal) Act, 1976.
3. Ld. Counsel for the petitioner, therefore, confined his prayer only to the extent that the departmental appeal of the petitioner dated 06.04.2022 (Annexure: A-1) preferred against the order No.813/VI.M-LPG-484-Enquiry (2019-21) dated 10.02.2022, passed by the Managing Director, G.M.V.N., may kindly be directed to be decided by Respondent No.2 , by a reasoned and speaking order, at an earliest possible, in accordance with law. Ld. A.P.O. has no objection to such innocuous prayer.
4. The claim petition is, accordingly, disposed of at the admission stage, with the consent of the parties, by directing Respondent No.2 to decide the departmental appeal of the petitioner dated 06.04.2022 (Annexure: A-1), without unreasonable delay, in accordance with law, on presentation of certified copy of this order along with copy of departmental appeal. No order as to costs.

4. It is made clear that the Tribunal has not expressed any opinion on the merits of the case.

(RAJEEV GUPTA)
VICE CHAIRMAN (A)
(online from Nainital)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JULY 27, 2022
DEHRADUN

VM