

**Dated: 08.08.2022**

Present: Sri Arjun Singh Bisht, for Smt. Anupama Gautam, Advocate, for the petitioner (online).  
Sri V.P. Devrani, A.P.O., for the respondents no. 1 and 3.  
Sri S.M. Joshi, Advocate, for respondent no. 2 (online)

Further arguments could not be held as the learned Counsel for the petitioner was busy with some other case in the Court of District Judge, Dehradun.

Clarification and production of relevant documents are requested from the parties on the following points:

- (1) Copy of the application of the petitioner for appointment in Uttarakhand Seeds and Tarai Development Corporation Ltd., which has been forwarded vide letter dated 17.05.2004 of respondent no. 3 (Annexure A-9).
- (2) Para 4(g) of the claim petition reads as below:

“That vide letter no. 4643/do-34/2008-09 dated 12.01.2009, the petitioner was called upon by the respondent no. 3 that in case he wants to return to the parent department, then he will have to deposit his Pensionary Encashment and leave encashment otherwise his lien will be recalled. The petitioner, enquired the amount and extent of deposit vide his letter dated 23.05.2009, but no reply was ever received by the petitioner. Thereafter vide letter dated 06.08.2009, the petitioner was called upon to give his joining in the department to avoid the calling off of his lien, by respondent no. 3. The petitioner then put up his joining and apprised the department of his personal compulsions and requested for extension of his lien. The respondent no. 3 though did not reply but the seniority of the petitioner remained intact in his parent department of horticulture and food processing and his lien continued with respondent no. 2.”

The Tribunal would like to know whether the petitioner joined the Horticulture Department according to above or not and what was the correspondence made by him in this regard after the letter dated

06.08.2009 was issued to him to avoid the calling off of his lien. The Tribunal would also like to know from the respondent no. 3 why the reply was not sent to the petitioner's letter dated 23.05.2009 vide which the petitioner enquired about the amount of his pensionary and leave contributions.

(3) Para 4 (h) of the claim petition reads as under:

“That then again in 2014, the petitioner requested for his repatriation in the department and the respondent no. 2, vide letter dated 03.06.2014 issued the certificate to the petitioner, confirming his lien in with the respondent no. 2.”

The Tribunal would like to see the letter which the petitioner sent requesting his repatriation to the department.

(4) The impugned office memorandum dated 29.04.2017 of respondent no. 3 (Annexure A-2) states that vide letter dated 17.05.2004, the petitioner was sent on deputation who was provided appointment by letter dated 26.10.2004 of respondent no.2 through direct recruitment. According to this office memorandum, the lien of the petitioner has been abolished with the immediate effect in the Horticulture Department. Horticulture Department had placed him in their seniority list of 2014 meaning thereby that the department was accepting his lien to have continued till that time. After 2014, was some correspondence initiated by the department of Horticulture with the petitioner about his lien or did respondent no. 3 issue him a notice to join the department failing which his lien with the department will be terminated?

Information/ Documents regarding the above be produced by the parties on or before 05.09.2022.

List on 05.09.2022 for further orders/ arguments.

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

**JUSTICE U.C. DHYANI**  
CHAIRMAN