

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

Present : Hon'ble Mr. Rajendra Singh

..... Vice-Chairman (J)

&

Hon'ble Mr. Rajeev Gupta

..... Vice-Chairman (A)

Claim Petition No. 16/NB/DB/2022

Lalit Mohan Singh Bohara (Male), aged about 40 years, S/o Late Sri Kharak Singh Bohara, R/o Awagarh Compound, Mallital, Nainital.

..... Petitioner

Versus

1. State of Uttarakhand through Secretary, Agriculture, Government of Uttarakhand, Dehradun.
2. Chairman, Uttarakhand Seeds and Tarai Development Corporation Limited, Pantnagar, Post Haldi, District Udham Singh Nagar.
3. Managing Director, Uttarakhand Seeds and Tarai Development Corporation Limited, Pantnagar, Post Haldi, District Udham Singh Nagar.

..... Respondents

Present: Sri Tarun Prakash Singh Takuli, Advocate for
the petitioner (Online)
Sri Kishore Kumar, Ld. A.P.O. for the respondent
No. 1
Sri N. S. Pundir, Advocate for the respondents No.
2 & 3 (Online)

JUDGMENT

DATED : 18.03.2023

Mr. Rajeev Gupta (Oral)

This claim petition has been filed seeking the following reliefs: -

- “(i) To quash the impugned Charge Sheet No. B. Ni./01/2022/7110 dated 21.03.2022 issued by

respondent no. 2, the appointing authority of the petitioner, without explaining the inordinate delay in issuing the charge sheet, which creates great hardship, irreparable loss and injury and the same cannot be compensated by any means. (Annexure no. 1 to the petition).

(ii) To award the cost of the petition in favour of the petitioner.”

2. The petitioner is Senior Marketing Officer in Uttarakhand Seeds & Tarai Development Corporation Limited and charge-sheet was issued to him by respondent No. 2, in respect of which the above reliefs have been sought.
3. Learned Counsel for the respondents No. 2 & 3 has filed a short Counter Affidavit stating that according to clause-5 of memorandum of articles of association of Uttarakhand Seeds and Tarai Development Corporation as well as Section 2 (b) of U.P. Public Services Tribunal Act, 1976, the petitioner is serving in the Uttarakhand Seeds and Tarai Development Corporation Limited, in which the share holding of State of Uttarakhand is less than 50% of paid up share capital and as such he is not a public servant as defined in Section 2 of Uttarakhand Public Services Tribunal Act, 1976.
4. On the above ground, the judgment and order dated 21.08.2012 in Claim Petition No. 44 of 2003(Ram Swaroop alias S. K. Gautam vs. U.P. Seeds and Tarai Development Corporation Ltd. and another) and judgment and order dated 06.08.2021 in Review Petition No. 01/NB/DB/2021 (Managing Director, Uttarakhand Seeds & Tarai Development Corporation Ltd. vs. Sudesh Kumar Sharma) have held that this Tribunal has no jurisdiction to entertain the petition against the Seeds & Tarai Development Corporation Ltd.

5. The learned Counsel for the petitioner conceded that the petitioner does not come within the definition of 'public servant' as defined in U.P. Public (Services) Tribunal Act, 1976 as applicable to State of Uttarakhand.
6. In view of the above, the claim petition is not maintainable before the Public Services Tribunal. Therefore, the claim petition is dismissed on the ground of non-maintainability before this Tribunal. The petitioner is at liberty to seek remedy from an appropriate forum in accordance with law. No orders as to costs.

(RAJENDRA SINGH)
VICE CHAIRMAN (J)
(Virtually from Dehradun)

(RAJEEV GUPTA)
VICE CHAIRMAN (A)

DATED : 18.03.2023

NAINITAL

BK