

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

Present : Hon'ble Mr. Rajendra Singh

..... Vice-Chairman (J)

Claim Petition No. 17/NB/SB/2022

Govind Ballabh (Male), aged about 41 years, S/o Late Sri Laxmi Dutt
Thuwal, presently serving as Head of Department (Information
Technology), Government Polytechnic Lohaghat, District Champawat.

..... Petitioner/Applicant

Versus

1. State of Uttarakhand, through Secretary, Technical Education
Department, Government of Uttarakhand, Dehradun.
2. Director, Technical Education, Uttarakhand, Srinagar (Garhwal).
3. Principal, Government Polytechnic, Lohaghat, District
Champawat.
4. Chief Secretary, State of Uttarakhand, Dehradun.

..... Respondents

Present : Sri Bhagwat Mehra, Advocate for the petitioner
Sri Kishore Kumar, A.P.O. for the respondents

JUDGMENT

DATED : 20.03.2023

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

- “A. To declare the action on the part of the Respondents
in the matter, as arbitrary and illegal.
- B. To set-aside the impugned orders dated 19.08.2016,
28.01.2018 and 28.11.2020 passed by Respondents,

particularly Respondent No. 1 and 2 (Annexure No. 1, 2 and 3 respectively to Compilation No. I).

- C. To direct the Respondents, to grant all consequential benefits to the petitioner from due date.
- D. To pass any other suitable order as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
- E. To allow the claim petition with cost.”

2. At the time of final arguments, learned Counsel for the petitioner confined his prayer to the extent that the petitioner's representation dated 15.09.2016 (Annexure No. 13 to the claim petition) against the special adverse entry has not yet been decided which may kindly be ordered to be decided at an early date. This special adverse entry was issued vide order dated 19.08.2016 (Annexure No. 1 to the claim petition) and by this order the petitioner was severely reprimanded. The petitioner's representation dated 15.09.2016, which is of the nature of appeal against this punishment order, was also preferred well within time. Though his subsequent representation against the adverse Annual Confidential Report has been decided, but his appeal against the punishment order is yet undecided.

3. Learned A.P.O. has no objection to the above prayer of the learned Counsel for the petitioner.

4. This Tribunal, accordingly, directs that the representation/appeal of the petitioner dated 15.09.2016 which is addressed to the Principal Secretary, Technical Education, Government of Uttarakhand shall be decided by the respondent

No. 1, within a period of two months from the date of production of a certified copy of this order alongwith copy of the petitioner's representation/appeal dated 15.09.2016.

5. The petitioner, if aggrieved by appellate order passed as above, shall be at liberty to approach this Tribunal by filing a fresh claim petition.

6. The claim petition is disposed of as above. No orders as to costs.

(RAJENDRA SINGH)
Vice Chairman (J)

DATED : 20.03.2023

NAINITAL

BK