

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

CLAIM PETITION NO. 01/SB/2024

Laxmi Prasad, aged about 54 years, s/o Late Sri Dali Ram, Senior Assistant (suspended), State Directorate of Culture, Uttarakhand, Dehradun.

.....Petitioner

VS.

1. State of Uttarakhand through Secretary, Culture, Government of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Director General, Directorate of Culture, Uttarakhand, MDDA Colony, Dalanwala, Dehradun.

....Respondents.

Present: Sri L.K.Maithani, Advocate, for the petitioner.
Sri V.P.Devrani, A.P.O., for the State Respondent.

JUDGMENT

DATED: JANUARY 03, 2024

Justice U.C.Dhyani (Oral)

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

“(a) To quash the impugned suspension order dated 20.02.2023 (Annexure: A-1) with its effect and operation and issue an order or direction to the respondents to pay the full salary of the suspension period to the petitioner.

(b) To issue any other suitable order or direction which this Hon’ble Tribunal may deem fit and proper in the circumstances of the case.

(c) To award the cost of the claim petition to the petitioner.”

2. Suspension order dated 20.02.2023 (Annexure: A-1) passed by Respondent No.2 is under challenge in present claim petition.

3. *Prima facie*, four serious charges were found proved against the petitioner, who is serving as Senior Assistant in State Directorate of Culture. The description of those charges has been given in the text of impugned suspension order. It has also been mentioned in the said order dated 20.02.2023 that there is possibility of imposing major penalty, if charges levelled against the petitioner are proved. During the period of suspension, the petitioner was attached to *Bhatkhande Hindustani Sangeet Maha-Vidyalaya, Dehradun*. It has also been mentioned in the impugned suspension order that the charge-sheet shall be issued to the petitioner separately.

4. At the very outset, Ld. Counsel for the petitioner submitted that petitioner has filed various representations to Respondent No.2, but no decision has been taken in his matter so far. Ld. Counsel for the petitioner drew attention of the Bench towards representation dated 23.09.2023 (Annexure: A-9), followed by reminder dated 07.11.2023, to submit that Respondent No.2 be directed to decide the representation of the petitioner as per law. Ld. Counsel for the petitioner further submitted that such a direction can be given by Single Bench of the Tribunal. Ld. A.P.O. has no objection to such innocuous prayer of the petitioner.

5. It is the submission of Ld. Counsel for the petitioner that the petitioner is under suspension since 20.02.2023. Charge sheet was issued to him on 20.06.2023. The petitioner has already submitted his reply to the charge sheet on 04.07.2023. Since then, there is no progress in the enquiry. No decision has been taken in his matter. Despite that he is attached to *Bhatkhande Hindustani Sangeet Maha-Vidyalaya, Dehradun*.

6. Ld. Counsel for the petitioner drew attention of the Tribunal towards the G.O. No. 1626/Personnel-2/2002 dated 23.01.2003 (Annexure: A-6); G.O. No.1243/XXX (2)/2005 dated 12.05.2005 (Annexure: A-7); and G.O. No. 1887/XXX (2)/2005 dated 05.07.2005 (Annexure: A-8), to submit that criteria and time frame in the said G.Os. in respect of departmental

proceedings has been prescribed. The respondent department has not adhered to the same.

7. The claim petition is disposed of, at the admission stage, with the consent of Ld. counsel for the parties, by directing Respondent No.2 to decide pending representation of the petitioner, by a reasoned and speaking order, as per law, without unreasonable delay, preferably within 12 weeks of presentation of certified copy of this order along with representation, enclosing the documents in support thereof. No order as to costs.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JANUARY 03, 2024.
DEHRADUN

VM