

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

CLAIM PETITION NO. 48/SB/2024

Sri Vijay Saini, Employee No. 88008478, s/o Late Shri Babu Ram, , Range Officer, In-charge, Assistant Conservator of Forests, Shivalik Circle, Tilak Road, Dehradun, Uttarakhand.

.....Petitioner

vs.

1. State of Uttarakhand through Principal Secretary, Forest, Civil Secretariat, Subhash Road, Dehradun.
2. The Principal Chief Conservator of Forests (HoFF), Uttarakhand, 85 Rajpur Road, Dehradun.
3. The Conservator of Forests (Yamuna Circle), 85 Rajpur Road, Dehradun.

.....Respondents

Present: Lt. Col. Nidhikant Dhyani, Advocate, for the petitioner.
Sri V.P. Devrani, A.P.O. for the State Respondents.(online)

JUDGMENT

DATED: JUNE 04, 2024

Justice U.C.Dhyani (Oral)

Petitioner is In-charge Assistant Conservator of Forest, Tons Forest Division, Purola, Uttarkashi (under suspension). By means of present claim petition, petitioner seeks the following reliefs:

“(a) That directions may be passed for quash/cancel/recall of suspension order bearing No 01/1-15(HRD) dt 23 Aug 2023 and the applicant should

immediately be called up for Govt. and Department services with all consequential benefits.

(b) That directions and orders may be passed for quash/cancel/recall the charge sheet bearing No 1108/1-15(HRD) dt 29 Dec 2023 being irrelevant and infructuous since the applicant was not even posted in said ranges/territories during the perceived omission of acts.

(c) That directions may be passed to grant all consequential financial and service benefits and entitlements during the period of suspension, having been cleared from all charges, precisely from 24 Aug 2023 onwards.

(d) To pass any such further order or orders, direction/directions as this Hon'ble Tribunal may deem fit and proper in accordance with the law.

(e) To award the cost of this petition to the applicant.”

2. Petitioner has filed affidavit in support of the claim petition. Relevant documents have been filed along with the claim petition.

3. It is the submission of Ld. Counsel for the petitioner that suspension order was passed against the petitioner on 23.08.2023 (Annexure: A-1). Since then he is under suspension. Charge-sheet was issued to him on 29.12.2023 (Annexure: A-2). There is no progress in the enquiry. According to Ld. Counsel for the petitioner, the petitioner is suffering great hardship, as he is getting only subsistence allowance since 23.08.2023 and the enquiry is not being conducted properly and speedily.

4. The only prayer of Ld. Counsel for the petitioner, at this stage, is to direct the enquiry officer to complete the enquiry as quickly as possible. Ld. A.P.O., on seeking instructions from the respondent department, submitted that if a direction is given by the Tribunal to complete the enquiry speedily, as per law, then he has no objection to the innocuous prayer of Ld. Counsel for the petitioner.

5. Ld. Counsel for the parties submitted that the claim petition may be disposed of, at the admission stage, with the aforesaid direction. They also submitted that such a direction may be given by the Single Judge of the Tribunal.

6. The claim petition is disposed of, at the admission stage, by directing the enquiry officer to complete the departmental enquiry against

the petitioner, as expeditiously as possible, without unreasonable delay, in accordance with law. No order as to costs.

7. It is made clear that the Tribunal has not expressed any opinion on the merits of the claim petition.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JUNE 04, 2024.
DEHRADUN

VM