

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

CLAIM PETITION NO. 160/SB/2024

Mahendra Singh Gusain, s/o Sri J.S. Gusain, r/o House No. 1141/3,
Indira Nagar Colony, Dehradun, Uttarakhand.

.....Petitioner

vs.

1. State of Uttarakhand through Principal Secretary, Forest, Government of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Principal Chief Conservator of Forest (HoFF), 85- Rajpur Road, Forest Head Quarter, Dehradun, Uttarakhand.
3. Chief Conservator of Forest, Human Resource Development and Personnel Management, 85- Rajpur Road, Forest Head Quarter, Dehradun, Uttarakhand.

.....Respondents

Present: Ms. Ketki Chhhaya Chaudhary, Advocate, for the petitioner.
Sri V.P. Devrani, A.P.O. for State Respondents.

JUDGMENT

DATED: NOVEMBER 07, 2024

Justice U.C.Dhyani (Oral)

By means of present claim petition, petitioner seeks a direction to the disciplinary authority, Respondent No.2, to

conduct free and fair enquiry against the petitioner, in accordance with law, as quickly as possible.

2. Petitioner has filed affidavit in support thereof. Relevant documents have also been brought on record along with the claim petition.

3. Petitioner is a Forest Range Officer, under suspension since 24.08.2023. He was served with charge-sheet on 29.12.2023. It is the submission of Ms. Ketki Chhaya Chaudhary, Ld. Counsel for the petitioner, that even after lapse of one year, the enquiry has not been concluded. There is apprehension that the enquiry may not be conducted in free and fair manner. Hence, she seeks a direction to the enquiry officer to conduct free and fair enquiry, as quickly as possible, in accordance with law. Ld. A.P.O. has no objection to such innocuous prayer of Ld. Counsel for the petitioner.

4. Ms. Abhilasha Singh, Deputy Conservator of Forest, Upper Yamuna Forest Division, Barkot, Uttarkashi (Enquiry Officer), is directed to bring the departmental enquiry, being conducted against the petitioner, to its logical conclusion, in free, fair and impartial manner, as quickly as possible, in accordance with law.

5. Interim relief has also been mentioned in the petition, as follows:

“The petitioner humbly prays for his immediate reinstatement by revoking suspension specially in view of the Government orders dated 23.01.2003 (Annexure: 3) & 12.05.2005 (Annexure: 4)”.

6. Although the petition is being disposed of at the admission stage and nothing remains like ‘interim’ in this petition, yet, Ld. Counsel for the petitioner prayed that a direction be given to the disciplinary authority, Respondent No.2, to take an

appropriate decision on the fresh representation of the petitioner, in the light of Govt. Orders dated 23.01.2003 (Annexure: 3) & 12.05.2005 (Annexure: 4). Ld. A.P.O. has no objection even to this second prayer of Ld. Counsel for the petitioner, which is innocuous.

7. A direction is given to Principal Chief Conservator of Forest (HoFF), Forest Head Quarter, Dehradun, Uttarakhand, Respondent No.2, to decide the representation of the petitioner, as expeditiously as possible, without unreasonable delay, in the light of Govt. Orders dated 23.01.2003 (Annexure: 3) & 12.05.2005 (Annexure: 4), on presentation of certified copy of this order along with representation enclosing the documents in support thereof.

8. The claim petition thus stands disposed of, at the admission stage, with the consent of Ld. Counsel for the parties.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: NOVEMBER 07, 2024.
DEHRADUN

VM