

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

**CLAIM PETITION NO. 28/SB/2025**

Pradeep Kumar Uniyal, aged about 50 years, s/o Late Sri G.P.Uniyal, r/o Shastri Nagar, Lane No.-1, Shastri Nagar, Dehradun, Uttarakhand.

**.....Petitioner**

**VS.**

1. State of Uttarakhand through its Principal Secretary, Forest, Sachivalaya, Subhash Road, Dehradun.
2. Principal Chief Conservator of Forest/ HoFF, Uttarakhand, Forest Headquarter, 85- Rajpur Road, Dehradun.
3. Chief Conservator of Forest, Human Resource Development and Personnel Management, Forest Headquarter, 85- Rajpur Road, Dehradun.
4. Conservator of Forest, Shivalik Circle, Uttarakhand.

**.....Respondents**

Present: Ms. Ketki Chhaya Chaudhary, Advocate, for the Petitioner.  
Sri V.P. Devrani, A.P.O. for Respondents.

**JUDGMENT**

**DATED: FEBRUARY 28, 2025**

**Justice U.C.Dhyani (Oral)**

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

*“(i) To quash the Charge Sheet dated 25.06.2022 (Annexure A-2) and the Supplementary Chargesheet dated 12.07.2022 (Annexure A-9) issued against the*

*petitioner along with all other consequential orders including the punishment order dated 03.01.2025 (Annexure A-15), declaring the same to be legally null & void.*

*ii) To direct the respondents to ensure that there shall be no adverse impact of the said charge-sheet and all its consequential orders including the punishment order on the service related benefits to the petitioner.*

*iii) Any other order or direction the Hon'ble Court may deem appropriate."*

2. The claim petition is supported by the affidavit of the petitioner. Relevant documents have been filed along with the same.

3. Punishment order dated 03.01.2025, among other things, is under challenge in present petition. The same has been issued by the Conservator of Forest, Shivalik Circle, Dehradun. It is the submission of Ms. Ketki Chhaya, Ld. Counsel for the petitioner that the Conservator of Forest has no authority to pass the impugned order. According to her, Sri Rajeev Dhiman, Conservator of Forest is not the disciplinary authority. It is her submission that in a case of glaring irregularity and mistake committed by a public authority, the Court or Tribunal can always intervene.

4. She also submitted that chargesheet can only be issued by the disciplinary authority and here the chargesheet has been issued by the Conservator of Forest, who is not the disciplinary authority. In present claim petition the chargesheet and supplementary chargesheet have also been assailed, on legal grounds. It is submitted that everything has been done contrary to the Uttarakhand Government Servant (Discipline and Appeal) Rules, 2003 (Amendment Rules, 2010).

5. At the very outset, Ld. A.P.O. opposed the maintainability of the claim petition, *inter alia*, on the ground that the same is premature.

6. In response to the query of the Tribunal, Ld. Counsel for the petitioner submitted that no departmental appeal has been

preferred by the petitioner against the impugned order dated 03.01.2025.

7. Sub Sections (5), (6) & (7) of Section 4 of the Uttar Pradesh Public Services (Tribunal) Act, 1976 (as applicable to Uttarakhand), read as under:

“(5) The Tribunal shall not ordinarily admit a reference unless it is satisfied that the public servant has availed of all the remedies available to him under the relevant service rules, regulations or contract as to redressal of grievances.

(6) For the purposes of sub-section (5) a public servant shall be deemed to have availed of all the remedies available to him if a final order has been made by the State Government, an authority or officer thereof or other person competent to pass such order under such rules or regulations or contract rejecting any appeal preferred or representation made by such public servant in connection with the grievance:

Provided that where no final order is made by the State Government, authority, officer or other person competent to pass such order with regard to the appeal preferred or representation made by such public servant within six months from the date on which such appeal was preferred or representation was made, the public servant may, by a written notice by registered post, require such competent authority to pass the order and if the order is not passed within one month of the service of such notice, the public servant shall be deemed to have availed of all the remedies available to him.

(7) For the purposes of sub-section (5) and(6) any remedy available to the public servant by way of submission of a memorial to the Governor or to any other functionary shall not be deemed to be one of the remedies, which are available unless the public servant had elected to submit such memorial.”

8. It is admitted fact that the departmental appeal has not been preferred before the appellate authority against the impugned order dated 03.01.2025 (Annexure: 15).

9. It is desirable that the petitioner should file departmental appeal before the appellate authority with the grounds, which the

petitioner has taken in the claim petition and only when the departmental remedy is exhausted, the petitioner should approach this Tribunal.

10. Ld. Counsel for the petitioner submitted that the petitioner will file departmental appeal before the appellate authority, in accordance with law.

11. The Tribunal takes note of the aforesaid statement of Ld. Counsel for the petitioner and closes the petition.

12. The claim petition is disposed of, at the admission stage, with liberty to the petitioner to file departmental appeal for redressal of his grievances, as per law.

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN

*DATE: FEBRUARY 28, 2025.*  
*DEHRADUN*

*VM*