

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

CLAIM PETITION NO. 51/SB/2025

Karan Singh, s/o Late Shri Nihal Singh, aged about 66 years, Retd. Manager, Department of Industries, r/o 74/2, Nala Paani Road, Dehradun, Uttarakhand.

.....Petitioner

VS.

1. The Principal Secretary, Micro Small and Medium Industries, Secretariat, Subhash Road, Dehradun, Uttarakhand.
2. The Director General, Department of Industries, Directorate of Industries, Patel Nagar, Industrial Area, Dehradun, Uttarakhand.
3. The Accountant General (A&E), Mahalekhakar Bhawan, Kaulagarh, Bilas Pur Kandali, Dehradun, Uttarakhand.

.....Respondents

Present: Sri Bharat Chugh (online) & Sri Uttam Singh , Advocates,
for the petitioner.
Sri V.P. Devrani, A.P.O. for Respondents.

JUDGMENT

DATED: MAY 15, 2025

Justice U.C.Dhyani (Oral)

By means of present claim petition, petitioners seek the following reliefs:

“ (i) Summon the entire relevant record from the possession of Respondents for its kind perusal.

(ii) Upon holding the impugned order dated 16.10.2024 (Annexure A/1) as unjust, illegal and arbitrary, quash and set aside the same.

(iii) Summon and set aside any other similar orders, if passed by the Respondent authorities at any other date except dated 16.10.2024 with respect to the provisional pension of the Petitioner.

(iv) Consequently, direct the Respondent authorities to release the entire provisional pension as liable to be paid to the Petitioner w.e.f. December, 2022 till the date of actual payment in terms of Article 351-AA read with Article 919-A of Civil Service Regulations, 1889 along with applicable interests thereon.

(v) Any other order/orders, direction/directions may also be passed.

(vi) Cost of litigation may also be awarded in favour of Petitioner.”

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

3. Petitioner, who was serving as Manager, Industries Department, Camp Office Dhalwala, District Tehri Garhwal, was convicted under Section 7 and 13(1)(d) read with 13 (2) of The Prevention of Corruption Act and was directed to undergo five years' rigorous imprisonment with a fine of Rs. 25,000/-.

4. In Special Session Trial No. 16/2012, State vs. Karan Singh Haldhar, s/o Sri Nihal Singh, the Special Court, Vigilance Establishment, Dehradun, on 19.12.2022, directed the petitioner to undergo five years' rigorous imprisonment along with fine of Rs. 25,000/-, under Section 7 and 13(1)(d) read with 13 (2) of The Prevention of Corruption Act. In default of payment of fine, he was directed to undergo simple imprisonment for two years.

5. Impugned order dated 16.10.2024 (Annexure: 1) issued by the Director General/ Commissioner, Industries, is in the teeth of present claim petition. Petitioner has since retired, he prays for release of entire provisional pension, among other things, which was denied to him *vide* impugned order in exercise of powers under Article 351 Civil Service Regulations, which reads as under:

“351 Future good conduct is an implied condition of every grant of a pension. The State Government reserve to themselves the right of with holding or withdrawing a pension or any part of it, if

the pensioner be convicted of serious crime or be guilty of grave mis-conduct.

The decision of the State Government on any question of withholding or withdrawing the whole or any part of pension under this regulation shall be final and conclusive.”

[Emphasis supplied]

6. It is the submission of Ld. Counsel for the petitioner that the appeal against conviction is pending before the Hon’ble High Court of Uttarakhand. The order dated 05.04.2023 passed by Hon’ble Court, in appeal, reads as under:

“The present appellant is a convict for commission of offences under Section 7, 13(1) (d) to be read with 13(2) of The Prevention & Corruption Act, as a consequence to which, he has been sentenced to undergo five years of rigorous imprisonment and a fine of Rs.25,000/-has been imposed upon him.

The argument of the learned counsel for the appellant is that, while referring to the statement of PW-2, the complainant, and that of PW-3 and PW-6, what he has attempted to carve out that the recovery of the money itself seems to be doubtful particularly in view of the statements, which have been recorded by the PW-2 and PW-3. What impact the recovery would have in relation to the statement, which has to be read for the purposes of justifying the conviction of the present appellant, is yet an issue to be decided, when the appeal itself is heard on merits.

But, at this stage, looking to the gravity of offence and the manner in which the appellant has been trapped by the trap team in commission of the offences under Section 7 and 13(1)(d) r/w 13(2) of the Prevention & Corruption Act, where the recovery of money was found from his possession, this Court is not inclined to release the appellant on bail.

The Bail Application (IA No. 1 of 2023) is accordingly rejected.

List this appeal on 08.05.2023, under the Head of final hearing.”

7. The convict petitioner has been released on bail *vide* order dated 07.11.2023 of Hon’ble Supreme Court, which reads as under:

“3. This appeal is against the judgment and order of the High Court of Uttarakhand at Nainital in I.A. No. 1 of 2023 in Criminal Appeal No. 22 of 2023, whereby appellant's bail and suspension of sentence, had been rejected.

5. Learned counsel appearing for the respondent-State of Uttarakhand vehemently opposed the appeal.

4. Considering the fact that the accused-appellant has suffered incarceration for more than two years out of maximum sentence of five years and the appeal against the order of conviction and sentence of the appellant is pending before the court below which is likely to take some time and taking an over-all view of the matter, we are of the opinion that the accused-appellant should be released on bail.

5, Accordingly, we allow this appeal and direct that the accused-appellant be released on bail on such terms and conditions as may be imposed by the Trial Court.....”

[Emphasis supplied]

8. Ld. Counsel for the petitioner submitted that petitioner will make a representation to the respondent authorities, citing relevant grounds in support of the relief which has been sought in present claim petition, and the respondent authorities may be directed to decide the same in a timebound manner, dealing with the grounds to be taken in the representation, in accordance with law. Ld. A.P.O. has no objection to such innocuous prayer.

9. 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 the representation of the petitioner, in accordance with law, as expeditiously as possible and without unreasonable delay, on presentation of certified copy of this order along with fresh representation, enclosing the documents in support thereof. No order as to costs.

10. Rival contentions are left open.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: MAY 15, 2025.
DEHRADUN

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