

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

CLAIM PETITION NO. 122/ SB/2021

Keshar Singh Chauhan, aged about 54 years, s/o late Sri Sher Singh, r/o Village Dakrena Sahiya, Tehsil Chakrata, District Dehradun.

.....Petitioner

versus

1. State of Uttarakhand through Secretary, Home, Secretariat, Subhash Road, Dehradun.
2. Principal Secretary, Home, Government of Uttarakhand, Dehradun.
3. Director of Prosecution, Uttarakhand, Dehradun.

..... Respondents

Present : Ms. Anupama Gautam and Sri A.S. Bisht, Advocates
for the petitioner
Sri V.P. Devrani, A.P.O., for the respondents (online)

JUDGEMENT

Dated: 10th April, 2023

Justice U.C. Dhyani (Oral)

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

“(a) That the Hon’ble Tribunal be pleased to quash the impugned Order No. 716/XX-06/2020-01(05)015 Part-II, dated 03-12-2020, passed by the respondent no.2, to the extent of Punishing the petitioner illegally with the "Censure" entry alongwith the stoppage of one increment, during the financial year of 2020-21, it being based on revoked impugned order no. 242/20-6-2018- 01(05)2015 dated 13.03.2018 Annexure no. A-1.

(b) This Hon'ble Tribunal may be pleased to pass the order or direction to treat the period of suspension as on

duty because suspension has been made dehors the concerned Rules and the petitioner be granted all service benefits even for that period.

(c) This Hon'ble Tribunal may further be pleased to issue order or direction which this Hon'ble Tribunal may deem fit and proper under circumstances to the case under consideration.

(d) This Hon'ble Tribunal may kindly be further pleased to award cost to the petitioner.”

[emphasis supplied]

2. At the very outset, learned Counsel for the petitioner submitted that the petitioner wants to file revision against the impugned order and the claim petition may be disposed of by directing the Govt. to decide the representation of the petitioner, treating the same as revision, in accordance with law, in a stipulated time frame.

3. Learned Counsel for the petitioner further submitted that there is urgency in the matter inasmuch as the post of Additional Director, Legal, will fall vacant in the end of April, 2023, and the petitioner, who is posted a Joint Director, Legal, may be considered for promotion soon after the promotional post falls vacant.

4. Division Bench is not available today but the claim petition is cognizable by the Bench consisting of a single member.

5. Rule 13 of the Uttarakhand Government Servant (Discipline and Appeal) Rules, 2003 (as amended in 2010), reads as below:

“13. Revision — Notwithstanding anything contained in these rules, the Government may on its own motion or on the representation of concerned Government Servant call for the record of any case decided by an authority subordinate to it in the exercise of any power conferred on such authority by these rules; and

(a) confirm, modify or reverse the order passed by such authority, or

- (b) direct that a further inquiry be held in the case, or
- (c) reduce or enhance the penalty imposed by the order,
or
- (d) make such other order in the case as it may deem,
fit.”

[emphasis supplied]

6. Sri V.P. Devrani, learned A.P.O. has no objection, if the petitioner himself wants to file the representation, in the form of revision [under Rule 13 of the Uttarakhand Government Servant (Discipline and Appeal) Rules, 2003 (as amended in 2010)], to the Govt.

7. The claim petition is disposed of by giving liberty to the petitioner to move a representation to the Govt. in the Home Department. If such a representation is moved by the petitioner, it is directed that the same shall be decided, at the earliest, without unreasonable delay, preferably within a period of 8 weeks of presentation of certified copy of this order along with representation.

No order as to costs.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: 10th April, 2023
DEHRADUN
RS