

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

**CLAIM PETITION NO. 47/SB/2025**

Smt. Mamta Mishra, aged about 57 years, w/o Sri Virendra Kumar Mishra, r/o  
Street No. 06, R.K.Puram, Kashipur, Udham Singh Nagar.

**....Petitioner**

**vs.**

1. State of Uttarakhand through Secretary, Women Empowerment and Child Development Department, Secretariat, Dehradun, Uttarakhand.
2. Director, Women Empowerment and Child Development Department, Secretariat, Dehradun, Uttarakhand.

**....Respondents**

Present: Sri Kartavya Mishra, Advocate, for the petitioner.(online)  
Sri V.P.Devrani, A.P.O., for the State Respondents.

**JUDGMENT**

**DATED: JUNE 02, 2025**

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

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

“1. To declare impugned Order of dismissal dated 31 March, 2023 and Appellate Order dated 12 December, 2023 (presented as Annexure No. A-01 and A-02) arbitrary, illegal as it is passed against the petitioner in a mala- fide manner with retrospective operation i.e. 16 December, 2005 and quash the order after calling for entire records from the respondents, along with its effect and operation also or to mould the relief appropriately, keeping in view the facts highlighted in the body of the petition.2. To direct the respondents to forthwith reinstate the petitioner with continuity in services along with all arrears of salary and other benefits as if the impugned order was never in existence keeping in view the peculiar facts and circumstances of the case or to mould the relief appropriately.

3. To award damages and compensation to petitioner such amount which may be quantified by the Hon'ble Tribunal and the same may be recovered from the respondents.

4. To allow any other further order, rule, direction or relief which this Hon'ble Tribunal may deem fit and proper, may kindly be awarded in favour of the petitioner and against the respondents.

5. To award cost of petition,.”

2. Ld. A.P.O. objected to the maintainability of the claim petition, *inter alia*, on the ground that departmental appeal has not been filed by the petitioner against the order impugned, hence the claim petition is premature and is not maintainable before the Tribunal.

3. In reply, Ld. Counsel for the petitioner submitted that the petitioner has already filed departmental appeal to the Principal Secretary, Women Empowerment and Child Development Department, Govt. of Uttarakhand, decision on which is awaited. Ld. Counsel for the petitioner further submitted that a direction, therefore, be given to the Principal Secretary, Women Empowerment and Child Development Department, Govt. of Uttarakhand to decide pending departmental appeal of the petitioner, as expeditiously as possible, in accordance with law. Ld. A.P.O. has no objection to such innocuous prayer of Ld. Counsel for the petitioner.

4. The claim petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties, by directing the Principal Secretary, Women Empowerment and Child Development Department, Govt. of Uttarakhand, Respondent No.2, to decide pending departmental appeal of the petitioner, as expeditiously as possible and without unreasonable delay, preferably within 12 weeks of presentation of certified copy of this order along with copy of departmental appeal, enclosing the documents in support thereof. No order as to costs.

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

*DATE: JUNE 02, 2025*  
*DEHRADUN*

*VM*