

BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCH AT NAINITAL
MISC. CORRECTION/MODIFICATION APPLICATION NO. 134/OF 2025

In
CLAIM PETITION NO. 37/NB/DB/2024
Mukesh Kumar vs. State of Uttarakhand & others

ORDER SHEET

(Virtually)
Present: Sri Bhagwat Mehra, Advocate for the petitioner
Sri Kishore Kumar, A.P.O. for the respondents no. 1 & 3
Sri Jagdish Singh Bisht, Advocate for the respondents no. 2, 4, & 6

Dated: 18.07.2025

Sri Bhagwat Mehra, learned Counsel for the petitioner has filed a Misc. Correction/Modification application Dated 17.07.2025 to correct/modify the judgment and order dated 04.06.2025, passed in Claim Petition No. 37/NB/DB/2024, Mukesh Kumar vs. State of Uttarakhand & others, stating therein that vide punishment order dated 29.4.2024, the major punishment was awarded upon the petitioner by reinstating him in service and by cancellation of suspension from service. It goes without saying that every disciplinary proceedings stands concluded on passing the final order and any earlier action like suspension etc. stands merged in the final order and lost its significance/effect. However, the Respondent No. 4 is treating/ mis-interpreting the judgment dated 04.06.2025 as if since the final order dated 29.4.2024 has been set aside by this Hon'ble Court, as such, the suspension order dated 11.10.2023 stands revived. As such, learned Counsel for the petitioner prayed that the judgment dated 04.06.2025 may kindly be modified/corrected to the extent of setting aside the punishment order dated 03.10.2024, in so far as it relates to imposition of punishments.

Learned A.P.O. and contesting respondents no. 2, 4, & 6 have also agreed to the above submission of learned Counsel for the petitioner.

Hence, the correction /modification application is hereby allowed, in the interest of justice. Accordingly, the last portion of the judgment dated 04.06.2025 is modified/corrected, as prayed. The modified portion is as under:

“.....The impugned order dated 29.04.2024 passed by the Disciplinary Authority (respondent no. 4) ***to the extent it relates to the**

penalty of stoppage of one increment with cumulative effect* and his decision dated 03.10.2024 on the special appeal of the petitioner are liable to be set aside, and the claim petition is liable to be allowed.

ORDER

The claim petition is hereby allowed. The impugned order dated 29.04.2024 *to the extent it relates to the penalty of stoppage of one increment with cumulative effect* and letter dated 03.10.2024 are hereby set aside. The respondents are directed to pay all the consequential benefits to the petitioner. However, the respondent authorities are at liberty to reinstitute the disciplinary proceedings against the petitioner as per the Uttarakhand Government Servants (Discipline and Appeal) Rules, 2003 (as amended in 2010). No order as to costs”

This order shall be part of the judgment and order dated 04.06.2025, in claim petition No. 37/NB/DB/2024.

Accordingly, the Misc. correction/modification application is disposed of.

This order be uploaded on the website of the Tribunal.

A.S.RAWAT
VICE CHAIRMAN(A)
KNP

RAJENDRA SINGH
VICE CHAIRMAN(J)