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

Present: Hon'ble Mr. Justice U.C.Dhyani

------ Chairman

Hon'ble Capt. Alok Shekhar Tiwari

-------Member (A)

**CLAIM PETITION NO. 85/DB/2025**

Jasram Singh, s/o Sri Chauhal Singh, aged about 69 years, r/o C-3, JK Puram, Chhoti Mukhani, Haldwani, Nainital, Uttarakhand.

**....Petitioner**

**vs.**

1. State of Uttarakhand through Secretary, Agriculture and Farmer Welfare, Government of Uttarakhand, State Secretariat, Subhash Road, Dehradun, .
2. Director Agriculture, Directorate of Agriculture, Krishi Bhawan, Nanda-ki-Chowki, Premnagar, Dehradun.

**....Respondents**

Present: Sri Abhishek Chamoli, Advocate, for the petitioner.
Sri V.P.Devrani, A.P.O., for the State Respondents.

**JUDGMENT**

**DATED: JULY 08, 2025**

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

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

"i. To quash and set aside the impugned order dated 11/08/2016 passed by Respondent No. 2, whereby firstly two punishments were imposed upon the petitioner for the same charge, also pass an order to set aside the Inquiry as same was initiated arbitrarily and illegally, had it been the impugned order was never being in existence, after calling entire record from the respondents, keeping in view of the facts highlighted in the body of the petition.

ii. To quash and set aside the impugned order dated 27/10/2016, by which a recovery of Rs. 72,885/- was initiated against the petitioner,

iii. To quash and set aside the order dated 03/11/2016, by which an additional recovery of Rs. 14,112/- was initiated by the department.

iv. To issue any other order or direction which this court may deem fit and proper in the circumstances of this case in the favour of the petitioner.

v. To award the cost of the Petition."

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

3. At the very outset, Ld. A.P.O. objected to the maintainability of the claim petition, *inter alia*, on the ground that all the available legal remedies have not been exhausted by the petitioner. His departmental appeal has yet not been decided, still he has filed petition against the impugned order.

4. In reply, Ld. Counsel for the petitioner submitted that charge sheet issued against the petitioner is itself defective, inasmuch as, the same has been issued by the enquiry officer (and not by the disciplinary authority), which is contrary to the dictum of Hon'ble High Court in WPSB No. 118/2008, Lalita Verma vs. State of Uttarakhand. The decision of the Hon'ble Court has been quoted by the petitioner in Para 5.3 of the claim petition.

5. Be that as it may, the fact remains that the departmental appeal of the petitioner has not yet been decided yet. The petition, in this Tribunal can be filed only when petitioner has availed all the departmental remedies available to him, in view of Section 4(6) of the Uttar Pradesh Public Services (Tribunal) Act, 1976 (as applicable to Uttarakhand).

6. At the best, what the Tribunal can do, at this stage, is to request Respondent No.1 to decide pending departmental appeal of the petitioner in a time bound manner, in accordance with law.

7. Director, Agriculture, Respondent No.2, had directed, among other things, stoppage of one increment of the petitioner with cumulative effect, *vide* order dated 11.08.2016 (Annexure: A-1), which are under challenge in present claim petition.

8. Ld. Counsel for the petitioner prays that a direction be given to Respondent No.1 to decide departmental appeal of the petitioner, as quickly as possible, as per law. Ld. A.P.O. has no objection to such innocuous prayer of Ld. Counsel for the petitioner.

9. The claim petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties, by making a request to Respondent No.1, to decide pending departmental appeal of the petitioner, as expeditiously as possible and without unreasonable delay, on presentation of certified copy of this order along with copy of departmental appeal, enclosing the documents in support thereof. No order as to costs.

10. Rival Contentions are left open.

**(CAPT. ALOK SHEKHAR TIWARI)**
MEMBER (A)
*(virtual)*

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

*DATE: JULY 08, 2025.*
*DEHRADUN*

VM