

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCH AT NAINITAL**

Present: Hon'ble Mr. Rajendra Singh
.....Vice Chairman (J)

Hon'ble Mr. A.S.Rawat
.....Vice Chairman(A)

CLAIM PETITION NO. 130/NB/DB/2022

Shri Anand Prakash Ghildiyal, S/o Late Shri Takeshwar Prasad Ghildiyal r/o
Sector 7C, H.No. 372, Boradi Stadium, New Tehri, Tehri Garhwal.

-----Petitioner

Vs.

1. State of Uttarakhand through Secretary, Employment and Skill Development Department, Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Director, Directorate Training and Employment, Uttarakhand, Haldwani, District Nainital.
3. Principal, Govt. Industrial Training Institute, Thalishain, District Pauri Garhwal.

-----Respondents.

Present: Sri L.K.Maithani, Advocate for the petitioner
Sri Kishore Kumar, A.P.O., for the respondents

JUDGMENT

DATED: SEPTEMBER 15, 2025

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

"i) To quash the impugned punishment order dated 09.05.2022 (Annexure No. A-1) of respondent No. 2 declare the same as illegal and non-est in the eyes of law.

ii) To issue an order or direction to the respondent to reinstate the petitioner in his service with continuity and with all consequential benefits.

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

iv) To award the cost of petition."

2. Brief facts of the case are that the petitioner was initially appointed on the post of Senior Technician on 01.01.1991 in the department of U.P. Hill Electronics Corporation Ltd. (Hiltron), a Govt. Undertaking. Vide G.O. dated 05.09.2013, the petitioner was posted/transferred on the post of Bhandari in Govt. Industrial Training Institute, Haldwani District Nainital. In his joining letter, the petitioner gave his option at District Tehri. The petitioner presented before the Principal Govt. Industrial Training Institute, New Tehri, but he was denied to join on the ground that Assistant Bhandari is working on the post of Bhandari. Petitioner made several representations which were rejected mentioned the ground therein.

2.1 Thereafter, petitioner filed a writ petition no. (S/S) 746/2014. The Hon'ble High Court vide its order dated 21.04.2014 permitted the petitioner to join his posting at Thailisain. Thereafter, the petitioner gave his joining at ITI, Thailisain on 15.05.2017. On 15.07.2017, the petitioner went on leave for two days due to ill health. Thereafter petitioner could not join his duties due to ill health. The petitioner made several representations to the respondents to place/transfer him at District Tehri, where his wife is already working on Govt. job, but the respondent deliberately and intentionally has not considered the prayer of the petitioner. The respondent No. 2 without going into the points of the representation dated 14.12.2021 of the petitioner, rejected the same in very arbitrary and discriminatory manner vide his order dated 30.04.2022 and thereafter vide impugned order dated 09.05.2022 terminated the petitioner from his service.

2.2 Aggrieved by the impugned punishment order dated 09.05.2022 the petitioner made representation to the respondent No. 1, but till date the same has not been decided by the respondent No. 1. It further submitted on behalf of the petitioner that prior to the punishment/termination of service no show cause notice or charge sheet was given to the petitioner. Without initiating any departmental proceedings, the respondent No. 2 terminated the petitioner from his service which is wrong, illegal and in utter disregarding of service

rules. The punishment order is bad and illegal in the eyes of law and passed against the petitioner without giving any opportunity of hearing to him which is violative to the rules and principles of natural justice, thus punishment order is bad in the eyes of law and liable to be quashed.

3. It is the submission of learned Counsel for the petitioner that the petitioner has been dismissed from the service on the basis of the Rule 18(3) (2) of Uttarakhand Financial Hand Book part 2, Rule 2020 without any disciplinary proceeding. Although the petitioner has submitted representation to the department against his termination for the service but that has not been decided.

4. Learned A.P.O. on behalf of the respondents has argued that the petitioner remained absent for 4 years 9 months and 19 days. He was asked to join the duty but he did not join. He was asked to be present during the hearing on 21.12.2021, but he did not attend the hearing also. So as per provisions of Uttarakhand Financial Hand Book part 2, Rule 2020 the petitioner has been considered deemed to have resigned from the service and his services has been terminated accordingly.

5. After hearing submissions of learned Counsel for the parties and perusal of the record, we find that the petitioner was absorbed in the Technical Education department vide order dated 5/09/2013 and was posted in Government Polytechnic at New Tehri. But he was not allowed to join there as there was no vacancy. He was further asked vide order dated 24/03/2014 to join Polytechnic at Thailisen. He did not join there immediately but later joined on 15/05/2017 after almost 3 years in compliance of the order of the Hon'ble High Court. The petitioner further remained present in the Institution from 15.05.2017 to 15.07.2017 and proceeded on casual leave from 17.07.2017 to 19.07.2017 and did not join his duties for more than 4 years. The Principal of the Polytechnic has called his explanation for unauthorised absence and asked him to join duty, failing which departmental proceedings would be initiated against him.

6. The services of the petitioner were terminated vide order dated 09.05.2022 for his continuous unauthorised absence from the duty as per the provisions of the Uttarakhand Financial Hand book part 2, Rule 2020. But before that, the petitioner was asked to join his duties time to time and was called for hearing on 21.12.2021 but he submitted a letter and did not appear in the hearing. The petitioner has submitted representation against the impugned order but that has not been decided.

7. Since the representation of the petitioner is already pending before the respondent authorities, which has not been decided, the petitioner requested that he shall file an appeal before the Principal Secretary Technical Education against the impugned order dated 09.05.2022, who may kindly be directed to decide the appeal within the stipulated time. Learned A.P.O. has no objection to the request of learned Counsel for the petitioner.

8. Accordingly, the claim petition is disposed of by directing that the petitioner shall file an appeal before the Principal Secretary, Technical Education, Govt. of Uttarakhand, against the impugned order dated 09.05.2022, within 15 days of receiving certified copy this judgement of the Tribunal. The Principal Secretary shall decide the appeal within two months of receiving the appeal from the petitioner, by a reasoned and speaking order. No order as to costs.

A.S.RAWAT
VICE CHAIRMAN(A)

RAJENDRA SINGH
VICE CHAIRMAN(J)

DATED: SEPTEMBER 15, 2025
DEHRADUN
KNP