

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

CLAIM PETITION NO. 23/DB/2026

Sri Ramesh Singh Kathait, s/o Late Sri Autaar Singh Kathait, aged about 61 years, presently posted as Assistant Agriculture Officer Scale-2 r/o Shibbu Nagar Kotdwar, Uttarakhand.

.....Petitioner

VS.

1. State of Uttarakhand through Secretary, Agriculture and Farmer Welfare, Govt. of Uttarakhand, State Secretariat, Subhash Road, Dehradun.
2. Director General, Agriculture and Horticulture Department, State Secretariat, Subhash Road, Dehradun.
3. Director Agriculture, Directorate of Agriculture, Krishi Bhawan, nanda-ki-Chowki, Premnagar, Dehradun.
4. Joint Director Agriculture, Kumaon Mandal, Haldwani.

.....Respondents

Present: Sri Abhishek Divakar Chamoli , Advocate, for the petitioner.(online)
Sri V.P. Devrani, A.P.O. for Respondents.

JUDGMENT

DATED: JANUARY 29, 2026

Justice U.C.Dhyani (Oral)

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

“i. To pass an order or direction to set aside the impugned Letter/order dated 20.09.2025 issued by the respondent no. 4, being contrary to the judgment dated 07.02.2025 passed by this Hon'ble Tribunal in Claim Petition No. 117/SB/2024.

ii. To declare that no further departmental proceedings can be initiated or continued against the petitioner in the present matter in violation of the prescribed procedure and statutory time limits, particularly after his superannuation.

iii. To restrain the respondents from taking any coercive or adverse action against the petitioner pursuant to the impugned notice or related proceedings.

iv. To pass any order or direction which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case, in the interest of justice.

v. To Award the cost of the petition."

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

3. This is the 2nd round of litigation between the parties. In the 1st round, Claim Petition No.117/SB/2024 was filed by the petitioner before the Tribunal, which was decided *vide* judgment and order dated 07.02.2025. It will be worthwhile to reproduce the relevant paragraphs of the decision dated 07.02.2025, passed by the Tribunal in Claim Petition No. 117/SB/2024, for avoiding repetition of facts and discussion, herein below for convenience:

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

"(i) To quash and set aside Impugned Order dated 30/06/2014 respondent no. 3 by which Punishment of "Adverse Entry" is awarded in the Service record of the petitioner and Recovery of Rs-55007 (Fifty Five Thousand and seven Rupees) is issued against the petitioner, 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 impugned Appellate order dated 27/03/2024 by which Departmental Appeal of the petitioner was rejected by the respondent no. 2.

(iii) 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.

(iv) To award the cost of the Petition."

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6. It is trite law that the inquiry officer should be appointed only after the charge-sheet is served upon the delinquent official and he pleads not guilty to the charges. Charge-sheet should not be signed by the enquiry officer. In the instant case, enquiry officer was appointed before the charge-sheet was issued and he served the charge-sheet upon the petitioner. The charge-sheet was signed by the enquiry officer himself.

7. It will be apt to reproduce the judgement rendered by Hon'ble High Court of Uttarakhand in WPSB No. 118 of 2008, Smt. Lalita Verma vs. State of Uttarakhand and others, as under:

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8. Further, in Special Appeal No. 300 of 2015, Ram Lal vs. State of Uttarakhand, which was decided on 03.07.2015, Hon'ble High Court observed as under:

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9. Principles of Natural Justice require that the enquiry should be initiated only after the reply to the show cause notice/ chargesheet is perused by the appointing authority/ disciplinary authority. Only when the appointing authority/disciplinary authority is not satisfied with the reply of the delinquent employee and he is satisfied that there is a case for enquiry into the matter then only the disciplinary enquiry may be initiated. The same has not been done in the instant case. Interference is called for in the impugned order on this ground alone.

10. Even in the order dated 27.03.2024 of the appellate authority, the grounds taken by the petitioner in the appeal have not dealt with and discussed.

11. Director General, Agriculture and Horticulture, has simply mentioned in its order dated 27.03.2024, which is also impugned in present claim petition that there is no material on record to take a different view other than what was taken by the enquiry officer. This was not sufficient. Every material point which was taken by the petitioner in his representation ought to have been dealt with by the appellate authority properly. The same has not been done in the instant case.

12. As a result thereof, impugned punishment order dated 30.06.2014 and impugned appellate order dated 27.03.2024 are liable to be set aside and are accordingly set aside, leaving it open to respondent department to initiate fresh inquiry against the petitioner, if the department is so advised, in accordance with law. No order as to costs.

13. It is clear that the Tribunal has not gone into other aspects of the case."

4. Ld. Counsel for the petitioner submitted that after the aforesaid decision rendered by the Tribunal, fresh notice has been issued to the petitioner by the Inquiry Officer himself, initiating departmental proceedings *vide* letter dated 20.09.2025. No charge-sheet has been issued. It is the submission of Ld. Counsel for the petitioner that the procedure adopted by the respondents in conducting the departmental inquiry and imposing punishment is contrary to the procedure prescribed under Article 351-A of the Civil Service Rules.

5. Ld. Counsel for the petitioner submitted that petitioner will file representation/objection against the procedure adopted by the respondents *vide* letter dated 20.09.2025, which representation/objection may kindly be directed to be decided by the authority concerned, as per law. Ld. A.P.O. has no objection to such innocuous prayer.

6. The claim petition is disposed of, at the admission stage, with the consent of Ld. counsel for the parties, by directing the authority concerned to take an informed decision on the representation/objection of the petitioner, as per law, as expeditiously as possible, but not later than 12 weeks of presentation of certified copy of this order along with copy of representation/objection enclosing the documents in support thereof.

7. Rival contentions are left open.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JANUARY 29, 2026.
DEHRADUN

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