

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

Present: Hon'ble Mr. Rajendra Singh

----- Acting Chairman

Hon'ble Mr. Arun Singh Rawat

-----Vice Chairman (A)

CLAIM PETITION NO. 48/SB/2026

Sri Jitendu Joshi, s/o Sri Mohan Chandra Joshi, age 44 years, Designation-Assistant Engineer, UPCL, Electricity Workshop, Kashipur, District Udham Singh Nagar, Uttarakhand. Residential Address: D-19, Prakash Residency, Near Stadium Road, Kashipur.

.....Petitioner

vs.

1. State of Uttarakhand through Secretary, Energy, Secretariat, Dehradun.
2. Uttarakhand Power Corporation Limited (UPCL), through its Managing Director, Gabbar Singh Urja Bhawan, Kanwali Road, Dehradun.
3. Executive Director (HR), UPCL, Gabbar Singh Urja Bhawan, Kanwali Road, Dehradun.

.....Respondents

Present: Sri Saurabh Joshi, Advocate, for the petitioner.

Sri V.P.Devrani, A.P.O., for the Respondent No.1

Sri Sarang Godbole, Advocate, for Respondents No. 2 & 3.

JUDGMENT

DATED: MAY 20, 2026

Sri Rajendra Singh, Acting Chairman

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

“(a) Quash and set aside the Impugned Order bearing Office Memorandum No. 2456 dated 28.06.2024, as being illegal, arbitrary and contrary to law.

(b) Direct the Respondents to grant the Claimant his 2nd ACP with effect from the due date of 02.06.2019, without any deferment, in accordance with the ACP Policy dated 21.08.1989.

(c) Direct the Respondents to pay the Claimant all consequential benefits including arrears of pay, allowances and service benefits that have accrued from 02.06.2019 to date with interest @ 7% per annum (or such rate as deemed just and proper).

(d) Pass such other and further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

2. Ld. Counsel for the petitioner has argued that the petitioner is an Assistant Engineer in UPCL. He was subjected to a departmental inquiry in the year 2016, which was concluded with the imposition of only a minor penalty of recovery amounting to Rs. 42,137.70/-. The Inquiry Committee specifically recorded that the recovery of the said amount was sufficient and that no further punishment was required. The petitioner accepted the findings of the inquiry and deposited the entire recovery amount, thereby treating the matter as finally concluded. However, after an unexplained delay of nearly eight years, the Respondents have reopened the concluded issue and have relied upon the said minor penalty to defer the petitioner's 2nd ACP vide order dated 28.06.2024, while there was no fresh inquiry or subsequent misconduct against him.

3. Ld. Counsel for the petitioner further argued that the order dated 28.06.2024 was never formally communicated to the petitioner and came to his knowledge only on 16.04.2025 through informal sources. Under the applicable ACP Policy dated 21.08.1989, the petitioner had already fulfilled the required criteria of four satisfactory ACRs out of five and was therefore entitled to grant of 2nd ACP w.e.f. 02.06.2019. Petitioner moved repeated representations, but no decision has been taken by the respondents.

4. It is the prayer of Ld. Counsel for the petitioner that petitioner will make fresh representation mentioning his grievance, and respondents may kindly be directed to consider and decide the representation of the petitioner by a reasoned and speaking order, as per law.

5. Ld. A.P.O. has no objection to such innocuous prayer of Ld. Counsel for the petitioner, if a direction is given by the Tribunal to the competent authority to decide pending representation of the petitioner, as per law.

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 decide representation of the petitioner by a reasoned and speaking order, in accordance with law, as expeditiously as possible, and without unreasonable delay on presentation of certified copy of this order, along with fresh representation, enclosing the documents in support thereof. No order as to costs

7. Rival contentions are left open.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(RAJENDRA SINGH)
ACTING CHAIRMAN

DATE: MAY 20, 2026.

DEHRADUN

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