

**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. 62/SB/2026

Sri 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 Diwakar Chamoli, Advocate, for the petitioner.
Sri V.P.Devrani, A.P.O., for the State Respondent.

JUDGMENT

DATED: MAY 20, 2026

Sri Rajendra Singh, Acting Chairman

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

- i. Quash and set aside the impugned Office Memorandum dated 18.12.2025, whereby the application dated 21.07.2025 submitted by the petitioner seeking disposal of the pending departmental proceedings has been arbitrarily rejected;
- ii. To quash and set aside the impugned punishment orders dated 11.08.2016, 27.10.2016 and 03.11.2016 passed by the respondent.

Issue An order or direction thereby setting aside the illegal, arbitrary and grossly delayed departmental inquiry, being hopelessly time-barred and contrary to the law laid down by the Hon'ble Apex Court, settled principles of service jurisprudence, and the principles of natural justice.

iv. Pass any other or further order 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. Petitioner was posted as Seed Store In-Charge (Agriculture) in Kotabagh Block, District Nainital in 2010. He was transferred from Kotabagh, District Nainital to District. At the time of transfer, the petitioner had 21.50 quintals of Dhaincha seed in stock, which was duly handed over to the concerned officials through proper charge lists, without any objection or discrepancy. However, after several months, an inquiry was initiated against the petitioner vide letter dated 26.04.2011 alleging irregularities in the said stock, despite the fact that the entire stock had already been properly handed over.

3. Thereafter, a charge sheet dated 17.03.2011 was issued to the petitioner and an Inquiry Officer was appointed even before initiation of the inquiry proceedings and before seeking any reply from the petitioner, which is contrary to the settled principles of law and service rules. The petitioner submitted his detailed reply to the allegations, but the same was not considered by the authorities. Subsequently, the respondents passed the impugned punishment orders dated 11.08.2016, 27.10.2016 and 03.11.2016, which have been collectively annexed as Annexure A8.

4. Petitioner made several representations to the department and the Government, but in vain.

5. Thereafter, having no remedy left, the petitioner filed Claim Petition No. 85/DB/2025 before the Hon'ble Tribunal, wherein vide judgment dated 08.07.2025 Hon'ble Tribunal directed Respondent No. 1 to decide the pending departmental appeal of the petitioner expeditiously. Thereafter, despite application dated 21.07.2025, seeking disposal of the departmental proceedings, no action was taken by the respondents.

6. Meanwhile, the respondents issued Office Memorandum dated 18.12.2025 rejecting the petitioner's application/representation on the ground that no departmental appeal has been filed by the petitioner.

7. The Tribunal while considering the maintainability of the claim petition, took note of Rule 11(4) of the Uttarakhand Government Servant (Discipline and Appeal) Rules, 2003 (as amended in 2010), which provides a statutory remedy of departmental appeal against the impugned order. The Tribunal observed that no such departmental appeal had been filed by the petitioner within the prescribed period of 90 days. Rule 11 (4) reads as under:

“11.Appeal-- (1) Except the orders passed under these rules by the Governor, the Government Servant shall be entitled to appeal to the next higher authority from an order passed by the Disciplinary Authority. (2) The appeal shall be addressed and submitted to the Appellate Authority. A Government Servant Preferring an appeal shall do so in his own name. The appeal shall contain all material statements and arguments relied upon by the appellant. (3) The appeal shall not contain any intemperate language. Any appeal, which contains such language may be liable to be summarily dismissed. (4) The appeal shall be preferred within 90 days from the date of communication of impugned order. An appeal preferred after the said period shall be dismissed summarily.”

[Emphasis supplied]

8. In view of the above legal position, the Tribunal is of the opinion that the petitioner has not availed statutory remedy of departmental appeal available to him and the claim petition is premature. Therefore the claim petition is not maintainable before the Tribunal.

9. With the above observations, the claim petition is, accordingly, dismissed at the admission stage, as not maintainable.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(RAJENDRA SINGH)
ACTING CHAIRMAN

DATE: MAY 20, 2026.
DEHRADUN

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