

**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.112/DB/2025**

Sri Pravin Kumar, aged about 49 years, s/o Sri Anand Dev Sharma, r/o 50/S, Engineers Enclave, Phase-4 Jakhan, Dehradun.

**.....Petitioner**

**vs.**

1. The State of Uttarakhand through Principal Secretary/ Secretary, Public Works Department, Dehradun.
2. Secretary, Karmic & Vigilance Department, State of Uttarakhand, Dehradun.
3. Engineer-in-Chief & HOD, Public Works Department, Dehradun.

**.....Respondents**

Present: Sri M.C.Pant (online) and Sri Abhishek Pant, Advocates,  
for the petitioner.  
Sri V.P.Devrani, A.P.O., for the Respondents.

**JUDGMENT**

**DATED: JULY 13, 2026**

**Sri Arun Singh Rawat, Vice Chairman (A)**

By means of present claim petition, petitioners seek the following reliefs:

*“I. To declare the same as the impugned order dated 11.07.2025 (annexure 1) in league with the chargesheet and report of the inquiry officer (annexure 2 colly.) as arbitrary, irrational, unjust and a nullity in the eyes of the law and to quash the same along with its effect and operations, after calling the entire record from*

*the respondents keeping in view the facts highlighted in the body of the petition.*

*II. To issue appropriate order or direction by directing respondents to forthwith release all the benefits of services to the petitioners along with all consequential benefits had it been the impugned order was never in existence.*

*III. To issue an order or direction for the grant of damages and the compensation, such amount as the court may deem fit and proper in the circumstances of case in favour of the petitioner which may be recovered from the erring officers.*

*IV. To award the cost of petition.”*

2. Facts, in brief, of the present claim petition are as follows:

2.1 The petitioner was appointed as Assistant Engineer (Civil) through UKPSC on 16.03.2004 and subsequently served at various places as Executive Engineer.

2.2 During the year 2013-2018, while petitioner was posted at Rudraprayag, at the time of Kedarnath Disaster in 2013, he was posted as Executive Engineer PWD, Rudraprayag and Oukhimath area. And during the period of disaster, the Government decided to reconstruct 18 bridges in Chamoli and 20 bridges in Rudraprayag area after they were destroyed and Government sanctioned the amounts from M.P.L.A.D. fund for reconstruction of these bridges. The petitioner has done his work with utmost sincerity and dedication. After a period of more than 10 years a show cause notice dated 04.10.2023 was issued to him by the respondent no. 1, inflicting 7 charges upon him.

2.3 It is the submission of Ld. Counsel for the petitioner that respondent no. 1, who is the disciplinary authority had already made up his mind and held petitioner guilty *prima facie* and thereafter directed him to call his reply which itself proves that the chargesheet is not tenable in the eyes of the law. Moreover, the chargesheet itself is highly belated therefore, is contrary to the time limit fixed by the State Government for completing the disciplinary proceedings against the employee. (Copy of the Government Order dated 05.07.2005: Annexure No. 3).

2.4 It is further submitted that Chief Engineer level- 1, Regional office, Almora, was appointed as Inquiry officer and direction was given to conclude the inquiry within 1 month. Since there was less than 02 months for ending the financial year and during this period there will be burden of work for finalization of estimates and contracts etc., moreover, petitioner was assigned election duties of Lok Sabha Election, 2024 as well. Further, in case of being called by the inquiry officer, the goal of expeditious execution of Government work will be affected. Therefore, in the above circumstance, vide letter dated 14.02.2024, he requested to change the I.O. in present case and nominate any Chief Engineer posted at Headquarter, Dehradun. Therefore, there was delay in conducting the enquiry due to distant office of Inquiry Officer and Lok Sabha Election.

2.5 Despite this, the inquiry officer vide letter dated 19.02.2024 directed the petitioner to furnish his reply till 25.02.2024 and to appear on the same date in Almora. (Copy: Annexure No. 5).

2.6 The petitioner vide his reply dated 24.02.2024, clearly denied all the charges and mentioned that after the disaster of Kedarnath, the Government has set up rescue and control center, HQ at Guptkashi, where the officer ranked up to Chief Secretary and other equivalent levels used to hold camps and issued various directions and the petitioner had to comply the same and for compliance of those directions, the petitioner used to inspect the damaged and affected areas on foot and thus due to these reasons, it was not possible to discharge the day to day work like preparation of contracts, issuance of work orders, disposal of the tenders and payments. Keeping this situation, the petitioner received a message from HOD that instead of repairing damaged bridges the Government has decided to construct new bridges and also to conduct all preliminary work from U.P.I.C, meaning thereby for the purpose of new bridges from Geotechnical Investigations for preparing the DPR is to be decided by U.P.I.C. He further mentioned that during the Kedarnath disaster, several areas were not accessible due to damage of bridges and roads.

Construction of the road from Rishikesh to Rudraprayag and Rudraprayag to Gaurikund was given to U.P.I.C. for initial work. U.P.I.C. experts also did not conduct soil investigation. Hence the HOD vide O.M. dated 26.05.2014 ordered that since the contract could not be signed with UPIC so the department has decided to get the work to be executed through concerned divisions including the work of soil testing , geotechnical investigation, preparation of estimates , invitation and finalization of the bids etc.

2.7 The Government engaged a technical consultant to report on the reasons for the delay in the execution of the work related to construction of the bridges. The technical consultant in his report dated 07.05.2018 usurping the role of disciplinary authority, held the petitioner guilty. The technical consultant was neither called by the inquiry officer as departmental witness during the inquiry proceedings nor any opportunity was given to the petitioner to cross-examine him. The charge-sheet based upon the report of the technical consultant, was submitted in the month of May, 2018, on the basis of incomplete information and his personal opinion. The petitioner contends that the technical consultant acknowledged that no definite conclusion could be reached from the available information regarding the bridge and that a detailed investigation was necessary.

2.8 It is also argued that any delay in the disposal is due to the officer who invited the bids. Decision of change in span was taken on 25.06.2015 whereas the petitioner was posted there till 31.03.2015. It is also submitted that invitation of the bids was done by the Superintending Engineer and petitioner has no role to play in this. The petitioner has worked on the order of S.E., who was competent for preparation and examination of DPR, inviting objections and disposal as well as grant of technical sanction.

2.9 The enquiry was not conducted as per the provisions of the Uttarakhand Government Servant (Discipline and Appeal) Rules, 2003 and no opportunity for cross-examination was given. The Respondent No.1 made up his mind by agreeing with the report of the inquiry officer

and held the petitioner guilty even before show cause notice was given. The reply submitted by the petitioner has not been considered by the disciplinary authority and no independent finding on the explanation of the petitioner has been given by the disciplinary authority. Neither copy of the order proposing punishment was provided to the petitioner along with the inquiry report, nor 14 days' time was given to him to reply and from the stage of preliminary inquiry, chargesheet and inquiry report, the petitioner was held guilty, before considering his reply.

2.10 According to the petitioner, the punishment is highly excessive and disproportionate. The future prospects of the petitioner will also be affected by the impugned punishment order dated 11.07.2021.

3. The claim petition has been contested on behalf of Respondents and Sri Daya Nand, Chief Engineer (Establishment) Level-1, office of Engineer-in-Chief, Public Works Department, Uttarakhand, Dehradun has filed Counter Affidavit on behalf of Respondents.

3.1 It has been submitted on behalf of respondents that the petitioner served as Executive Engineer, Construction Division, PWD, Ukhimath, from 31 March 2013 to 31 March 2015. During this period, the Kedarnath disaster of June 2013 caused massive destruction in the Mandakini valley, resulting in damage of several bridges, roads, and river-crossing structures. In 2015 and 2016, the District Magistrate of Rudraprayag repeatedly informed the Government about the damaged bridges, delays in their reconstruction, and the need to identify the officials responsible. Acting on these complaints, the Government directed the Public Works Department to obtain explanations from the concerned officers and examine the reasons for the delays and deficiencies in the bridge projects.

3.2 It is further submitted that as complaints continued, the Government appointed a Technical Consultant as Inquiry Officer in November 2017 to investigate the matter. After examining twelve

bridge projects, the Technical Consultant submitted a detailed report in May 2018. The report highlighted several irregularities in bridge construction works under the petitioner's jurisdiction. It found repeated delays in tendering processes, failure to follow proper tender procedures, unnecessary cancellation and re-invitation of tenders, inadequate site inspections, absence of proper surveys and soil investigations, and frequent changes in bridge designs and span lengths. According to the report, these deficiencies led to substantial delays, increased costs, wastage of public funds, and administrative inefficiency. In some cases, bridge works were undertaken without obtaining mandatory design vetting, geological investigations, or technical approvals as required under departmental rules.

3.3 After considering the report, the Government directed that responsibility be fixed upon the officers concerned. A charge sheet was initially prepared in 2020, but after certain deficiencies were noticed by the Government, amended charge sheets were prepared and processed. Ultimately, on 4<sup>th</sup> October 2023, a formal charge sheet, containing seven charges was issued against the petitioner under the Uttarakhand Government Servants (Discipline and Appeal) Rules, 2003. The respondents contended that these acts amounted to negligence and lack of devotion to duty in violation of the Conduct Rules. The petitioner was called upon to submit his written defense. The petitioner submitted his reply on 12.06.2024, wherein he primarily attributed the delays to the extraordinary circumstances arising from the natural disaster and to institutional delays within the department. However, according to the respondents, he did not produce sufficient documentary evidence to justify the absence of mandatory technical procedures or to explain the delays satisfactorily.

3.4 Thereafter, a departmental inquiry was conducted by the Inquiry Officer. The petitioner was given opportunities to participate, examine witnesses, and present evidence in his defence. However, it was stated that he did not appear on several occasions, citing official engagements, which delayed the proceedings. After examining

departmental records and documents, the Inquiry Officer submitted his report holding the petitioner guilty of all seven charges. The report concluded that the petitioner was responsible for procedural lapses, delays in execution of works, and financial loss to the department.

3.5 Based on the inquiry report, a show-cause notice was issued to the petitioner, along with a copy of the report. The petitioner submitted his response, but the disciplinary authority found it unsatisfactory. The authority concluded that the petitioner had failed to properly discharge his supervisory duties, which resulted in financial loss and administrative inconvenience.

3.6 As per the provisions of Rule 9 of the Uttarakhand Government Servants (Discipline and Appeal) Rules, 2003, the matter was referred to the Uttarakhand Public Service Commission for advice, which, after due consideration, concurred with the proposed penalty. Consequently, the disciplinary authority issued the final punishment order dated 11.07.2025, imposing the penalty of (i) Recovery of Rs 2,15,731/- from the petitioner, and (ii) Stoppage of three annual increments without cumulative effect.

4. Rejoinder Affidavit has been filed on behalf of the petitioner, reiterating the averments mentioned in the petition.

5. We have heard the arguments of the Learned Counsel for the petitioner, Learned APO and perused the documents carefully, placed before the Tribunal.

6. Learned counsel for the petitioner submitted a written argument and also argued the case before the tribunal. He argued that the petitioner was posted as Executive Engineer in the Ukhimath Division from March 31.3.2013 to 31.3.2015. During his tenure, Kedarnath Catastrophe happened which caused loss of human and cattle life damage to the roads and many bridges. More than 20 bridges were damaged / washed away in the Kedarnath area, Communication to the remote areas was totally disrupted and vast stretches of the roads were also damaged.

6.1 The Govt. gave task to construct the new bridges in place of the bridges washed away/damaged to a private consultant UIPC. But the contract could not be signed and it was decided by the Government that the work related to soil testing, geotechnical investigation and preparation of the estimates will be done at the division level. This information was received in the divisions on 22.07.2014, so the petitioner dealt with the above assignment from 22.07.2014 to 31.3.2015 for 8 months during his tenure, which was quite short keeping in view the size of the problem and remoteness of the places which were totally inaccessible as no motor- vehicles were plying on the roads.

6.2 The petitioner along with the similarly placed Executive Engineers were supposed to inspect sites, verify the estimates prepared, suggest the changes in the estimates prepared by the consultant at the division level, get the approval of the estimates and execute the works. Time required for such mammoth task was short and this fact has been corroborated by the Superintending Engineer in his report also.

6.3 The Government in the year 2017 appointed a technical expert to find out the delay in execution of work .The expert submitted the report in May 2018 , which consisted the report on the sites under the jurisdiction of the petitioner also. The Government sought explanation from the petitioner and other similarly placed Engineers. Thereafter the Government issued the charge sheet on 4.10.2023 to the petitioner almost after five years of submission of the report by the technical expert.

6.4 Enquiry officer was appointed after the petitioner submitted the explanation. The enquiry officer conducted the inquiry and submitted the report which was communicated to the petitioner on 17.5.2024 and petitioner submitted his reply on 11.6.2024. Disciplinary authority, based on the enquiry report, awarded punishment to the petitioner.



6.5 The learned counsel of the petitioner has contended that the disciplinary proceeding against the petitioner has been started five years after submission of the report by the technical expert and almost 10 years after the Kedarnath catastrophe. This shows the seriousness of the Government about the Kedarnath Catastrophe as charge sheet was issued almost after all the works are completed. The penalty to the petitioner has been awarded with mala fide intention.

6.6 The learned counsel for the petitioner further argued that the enquiry has not been conducted as per the provisions of the Discipline and Appeal Rules, 2003 and the amended Rules 2010. The witnesses were not cross-examined and the penalty has been awarded on the basis of the unverified documents as well as based on the report of the enquiry officer. The petitioner submitted a detailed explanation and cited the extraordinary situation prevailing there which hampered the work of the petitioner, but it was not considered by the disciplinary authority. The delay in submission of the charge sheet to the petitioner is itself a ground for quashing the charge sheet as well as the order of the disciplinary authority.

6.7 Learned counsel for the petitioner has relied on the following Govt. orders and judgements of the Hon'ble Apex court:

- i. Govt. order dated 12.05.2005, which provides that disciplinary proceedings should not be initiated in respect of very old incidents unless the matter involves grave misconduct or serious financial loss to the Govt.
- ii. Govt. order dated 08.01.2003, which provides that in case inquiry is conducted by the authority other than the appointing authority, the report of the inquiry officer along with recommendation must be furnished to the delinquent employee before any decision regarding punishment is taken.
- iii. Order of the Hon'ble High Court of Delhi in Union of India and others vs. Hari Singh, 2013:DHC:4846-DB. Relevant paras are reproduced herein below:

"25. It is therefore trite that delay which is unexplained and unreasonable would cause prejudice to the delinquent employee. Such delay clearly manifests the lack of seriousness on the part of the disciplinary authority in pursuing the charges against the employee. In the event of any employee deviating from path of honesty, efficiency and diligence, action should expeditiously be taken as per prescribed procedure. The Supreme Court has laid down the principles holding that unexplained and unreasonable delay per se results in prejudice to the charged officer except when the employer can show that the employee was responsible for delay or is otherwise able to explain the delay. While evaluating the impact of the delay, the court must consider the nature of the charge, its complexity and for what reason the delay has occurred.

27. It has been repeatedly held by the Supreme Court that disciplinary proceedings are necessary in public interest as well. They are essential in inculcating a sense of discipline and efficiency. The proceedings should not be protracted. In this regard, our attention has been drawn to the pronouncement reported at JT 2005 (7) SC 417 P.V. Mahadevan v. M.D. Tamil Nadu Housing Board.

59. We find that the courts have even held that delay in initiating disciplinary proceedings could tantamount to denial of a reasonable opportunity to the charged official to defend himself and therefore be violative of the principles of natural justice. In this regard, reference may usefully be made to the pronouncement of the Kerala High Court reported at 2001 (1) SLR 518 Meera Rawther Vs. State of Kerala.

60. So far as the prejudice is concerned, the long period which has lapsed between the alleged transaction and issuance of charge sheet would by itself have caused memory to have blurred and records to have been lost by the delinquent. Therefore, the respondent would be hard put to trace out his defense. The prejudice to the respondent is writ large on the face of the record. The principles laid down by the Supreme

*Court as well as by this court in the judgments cited by the respondent and noted above squarely apply to the instant case.*

*65. In view of the above narration of facts, the delay in initiation of the proceedings certainly has lent room for allegations of bias, mala fide and misuse of powers against the respondent by the petitioners. In the judgment reported at 1995 (1) ILJ 679 (SC) State of Punjab v. Chaman Lal Goyal it has also been observed that when a plea of unexplained delay in initiation of disciplinary proceedings as well as prejudice to the delinquent officer is raised, the court has to weigh the facts appearing for and against the petitioners' pleas and take a decision on the totality of circumstances. The court has to indulge in a process of balancing."*

iv. State of U.P. & others vs. Saroj Kumar Sinha (2010) 2 SCC 772.

*"26. .... This is so as to avoid the charge that the enquiry officer has acted as a prosecutor as well as a judge. Enquiry officer acting in a quasi-judicial authority is in the position of an independent adjudicator. He is not supposed to be a representative of the department disciplinary authority Government. His function is to examine the evidence presented by the department, even in the absence of the delinquent official to see as to whether the un rebutted evidence is sufficient to hold that the charges are proved. In the present case the aforesaid procedure has not been observed. Since no oral evidence has been examined the documents have not been proved, and could not have been taken into consideration to conclude that the charges have been proved against the respondents.*

*27. Apart from the above by virtue of Article 311(2) of the Constitution of India the departmental inquiry had to be conducted in accordance with rules of natural justice. It is a basic requirement of rules of natural justice that an employee be given a reasonable opportunity of being heard in any proceeding which may culminate in a punishment being imposed on the employee.*

*28. When a department enquiry is conducted against the Government servant it cannot be treated as a casual exercise. The enquiry proceedings also cannot be conducted with a closed mind. The enquiry officer has to be wholly unbiased. The rules of natural justice are required to be observed to ensure not only that justice is done but is manifestly seen to be done. The object of rules of natural justice is to ensure that a government servant is treated fairly in proceedings which may culminate in imposition of punishment including dismissal removal from service. In the case of Shaughnessy v. United States, 345 US 206 (1953) (Jackson J), a judge of the United States Supreme Court has said "procedural fairness and regularity are of the indispensable essence of liberty. Severe substantive laws can be endured if they are fairly and impartially applied.*

*31. In other words, not a single witness has been examined in support of the charges levelled against the respondent. The High Court, therefore has rightly observed that the entire proceedings are vitiated having been conducted in complete violation of principles natural justice and total disregard of fair play. The respondent never had any opportunity at any stage of the proceedings to offer an explanation against the allegations made in the charge sheet."*

- v. M/s Kranti Associates Pvt. Ltd. & Another vs. Sh. Masood Ahmed Khan & others.

"51. Summarizing the above discussion, this Court holds:

*a. In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.*

*b. A quasi-judicial authority must record reasons in support of its conclusions.*

*c. Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well. d. Recording of reasons*

*also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.*

*e. Reasons reassure that discretion has been exercised by the decision maker on relevant grounds and considerations. f. by disregarding extraneous Reasons have virtually become as indispensable a component of a decision making process as observing principles of natural justice by judicial, quasi-judicial administrative bodies. and even by g. Reasons facilitate the process of judicial review by superior Courts.*

*The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the life blood of judicial decision making justifying the principle that reason is the soul of justice.*

*i. Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.*

*j. Insistence on reason is a requirement for both judicial accountability and transparency."*

vi. P.V. Mahadevan vs. M.D. Tamil Nadu Housing Board, 2005(6) SCC 636

*The stand now taken by the respondent in this Court in the counter affidavit is not convincing and is only an afterthought to give some explanation for the delay.*

*Under the circumstances, we are of the opinion that allowing the respondent to proceed further with the departmental proceedings at this distance of time will be very prejudicial to the appellant. Keeping a higher government official under charges of corruption and disputed integrity would cause unbearable mental agony and distress to the officer*

*concerned. The protracted disciplinary enquiry against a government employee should, therefore, be avoided not only in interests of the government employee but in public interest and also the interests of inspiring confidence in the minds of the government employees. At this stage, it is necessary to draw the curtain and to put an end to the enquiry. The appellant had already suffered enough and more on account of the disciplinary proceedings. As a matter of fact, the mental agony and sufferings of the appellant due to the protracted disciplinary proceedings would be much more than the punishment. For the mistakes committed by the department in the procedure for initiating the disciplinary proceedings, the appellant should not be made to suffer."*

- vii. Kumaon Mandal Vikas Nigam Ltd. vs. Girja Shankar Pant and others, 2001(1) SCC 182.

*It is a fundamental requirement of law that the doctrine of natural justice be complied with and the same has, as a matter of fact, turned out to be an integral part of administrative jurisprudence of this country. The judicial process itself embraces a fair and reasonable opportunity to defend though, however, we may hasten to add that the same is dependent upon the facts and circumstances of each individual case. The facts in the matter under consideration is singularly singular The entire chain of events smacks of some personal clash and adaptation of a method unknown to law in hottest of haste: this is however, apart from the issue of bias which would be presently dealt with hereinafter. It is on this context, the observations of this Court in the case of Sayeedur Rehman v. The State of Bihar & Ors. (1973 (3) SCC 333) seem to be rather apposite. This Court observed: The omission of express requirement of fair hearing in the rules or other source of power claimed for reconsidering the order, dated April 22, 1960, is supplied by the rule of justice which is considered as an integral part of our judicial process which also governs quasi-judicial authorities when deciding controversial points affecting rights of parties."*

31. *That it is most respectfully submitted that the impugned disciplinary proceedings and the consequent punishment order have not only resulted in immediate penal consequences but have also caused severe and continuing prejudice to the petitioner by effectively blocking his promotional avenues and impairing his future career progression in service. However, due to the pendency of the disciplinary proceedings initiated belatedly in the year 2023 and the subsequent imposition of punishment in the year 2025, the petitioner has been deprived of consideration for promotion at the relevant time when his batchmates and similarly situated officers were considered and promoted. The pendency of such proceedings and the stigma attached to the punishment order operate as a disqualification in service jurisprudence, thereby resulting in the petitioner being superseded. It is submitted that the prejudice caused to the petitioner is not merely speculative but real and ongoing. The service rules and established practice clearly provide that an officer against whom disciplinary proceedings are pending, or who has been visited with a penalty, is either not considered for promotion or his case is kept in a sealed cover. In either eventuality, the petitioner suffers denial of timely promotion, which has cascading consequences on his entire service career, including seniority, pay fixation, pensionary benefits, and status within the department.*

32. *That in effect, the entire disciplinary exercise appears to be a pre-determined attempt to fasten liability upon the petitioner, without a fair and objective evaluation of the material on record. The mandatory safeguards provided under the Government Order dated 08.01.2003 and 12.05.2005 and Rule 9(4) have been completely disregarded, the petitioner's detailed replies have been ignored, and the broader administrative and technical context has been overlooked. These infirmities, taken together, strike at the very root of the proceedings and render the impugned order legally unsustainable.*

7. Learned APO argued that the petitioner was posted as the Executive Engineer from 31.3.2013 to 31.3.2015 in the Kedarnath

area . The Kedarnath catastrophe happened on 16.6.2013 and caused heavy damage to the bridges, roads and complete washout of roads and bridges also at many places. The Government undertook repairing of the roads and the bridges, initially it was decided to undertake the work through a private agency. But the contract could not be executed with the firm. Finally, it was decided that the concerned division of the PWD Uttarakhand will carry out soil testing, geotechnical survey , preparation of the estimates etc. The divisions engaged consultants at their level to prepare the estimates and carry out the surveying also. The petitioner was entrusted to construct seven bridges in respect of which the work started quite late due to delay caused in inspection of the sites, soil testing , geotechnical investigation , vetting of the estimates submitted by the consultant , seeking administrative approval and also finalizing tenders. This laid-back attitude of the petitioner resulted in a change in the site leading to increase in the span of the bridge, change in the estimate of new constructions, delay in the execution of the work. A detailed fact-finding report has been submitted by a technical consultant which examined the reasons for the delay in the completion of the work related to construction of the bridges. Based on the report submitted by the technical consultant the petitioner was charged sheeted . There was a delay in serving the charge sheet to petitioner due to finalizing the charge- sheets in respect of many engineers and collection of data related to them,

7.1 The enquiry officer conducted the enquiry as per the provisions of the Uttarakhand Government Servants ( Discipline and Appeal )Rules 2003 as amended in 2010.

7.2 The disciplinary proceedings against the petitioner has been initiated as petitioner caused a loss of Rs. 215000/- to the Government due to infructuous payment to the consultant. The petitioner displayed negligence and lack of devotion to Govt duty in the important task of restoration of communication infrastructure in the Kedarnath area after the catastrophe. There is no violation of the



instructions of the Government as contained in the Government letter dated 12.05.2005.

7.3 Learned APO further submitted that a copy of the enquiry report dated 23.04.2024 was given to the petitioner with the show cause notice and he was asked to submit his explanation within 15 days of receipt of the show cause notice. There is no violation of the Govt. letter dated 08.01.2003 as well as the Discipline and Appeal Rules, 2003 as amended in 2010.

7.4 The petitioner was charge sheeted for the misconduct, infructuous expenditure incurred in preparation of the estimate of the bridge and negligence of the duties. Learned APO pleaded that the claim petition is liable to be dismissed.

8. Based on the arguments of the parties and the documents placed before the tribunal it is found that petitioner has been charged sheeted because he did not carry out inspection of the sites in time and payment was made to the consultant which became infructuous as the required span of the bridge was found to be longer than mentioned by the consultant in the estimate. Due to negligence of the petitioner in timely inspection, survey work, design etc. all the estimates had to be modified which led to time and cost overrun of the works. The approval of the estimates was also not obtained in time, tenders were not advertised in time and there was delay in evaluation of the bids also.

81 The enquiry has been conducted as per the provisions of the Uttarakhand Government Servants ( Discipline and Appeal) Rules 2003 and as amended in 2010. The delay of almost five years in initiating disciplinary proceedings against the petitioner after the technical consultant report was submitted to the Government and 10 years after the Kedarnath catastrophe was due to the focus of the Government on restoration of communication infrastructure. The arguments of the Learned APO that there were many engineers, in junior and senior level both, who were implicated, framing of charges,

collection of information in respect of the concerned engineers, validation of the information in the charge sheet took time, are quite reasonable.

8.2 The matter concerning restoration of the communication infrastructure in the remote area for the facilitation of rescue operation, bring back normal situation and meeting requirement of the local people was not given due importance by the petitioner .He certainly cited the gravity of the problem to support in his failure for timely completion of the work but overlooked the expectation of administration and people from him to wriggle out of the grave problem.

8.3 The petitioner has relied on the judgements of the Hon'ble Courts on the point of delay in initiating the proceedings against the petitioner after the report of the technical consultant which was the basis of framing the charge sheet against the petitioner, which cannot be accepted as the framing of charges based on the correct data in respect of many officers certainly required time.

8.4 Keeping in view the facts mentioned above, the claim petition is liable to be dismissed .

### **ORDER**

The claim petition is dismissed. No order as to cost.

**(RAJENDRA SINGH)**  
ACTING CHAIRMAN

**(ARUN SINGH RAWAT)**  
VICE CHAIRMAN (A)

*DATE: JULY 13, 2026.*  
*DEHRADUN*

*VM*