

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

Present : Hon'ble Mr. Capt. Alok Shekhar Tiwari

----- Member (A)

Claim Petition No. 47/NB/SB/2025

Hemlata Pandey (Female), aged about 54 years, W/o Late Lalit Kumar Pandey, R/o Talli Chauki, PO-Phungar, Dist Champawat.

..... Petitioner

Versus

1. State of Uttarakhand through Secretary Transport, Civil Secretariat, Subhash Marg, Dehradun.
2. Managing Director, Uttarakhand Transport Corporation, 2nd Floor Parivahan Bhawan, Kulahan, Sahastradhara Road-248013, Dehradun.
3. General Manager (Administration), Uttarakhand Transport Corporation, 2nd Floor Parivahan Bhawan, Kulahan, Sahastradhara Road-24801, Dehradun.
4. Divisional Manager (Operation), Uttarakhand Transport Corporation, Tanakpur, Dist-Champawat.
5. Asstt. Manager, Uttarakhand Transport Corporation, Lohaghat Depot, Dist-Champawat.

..... Respondents

Present : Sri Piyush Tiwari, Advocate for the petitioner
Sri Kishore Kumar, A.P.O. for the respondent
No. 1
Sri Prem Kaushal, Advocate for the
Respondents No. 2 to 5

JUDGMENT

DATED : **APRIL 17th, 2026**

This claim petition has been filed seeking the following
relief:-

- “a). to quash charge sheet dated 2.5.2024 (being annexure No.-1) issued by respondent no. 4 being illegal and arbitrary.
- b). to quash punishment order dated 22.08.2024 passed by respondent no. 4 imposing the penalty of withholding of three increment which will not effect the future increment of pay (being annexure 2 to this claim petition).
- c). to quash the appellate order dated 29.04.2025 passed by respondent no. 3 (being annexure no. 3 to this claim petition) by which appeal filed by the petitioner was partly allowed.
- d). to treat the period of suspension w.e.f. 30.04.2024 to 22.08.2024 for 115 days as on duty and consequently grant all due salaries and allowances to the petitioner for this period;
- e). to promote the petitioner from the date when his any junior is promoted by conducting his review Departmental Promotion Committee.
- f). direct the respondents to remove all adverse entries from the service record of the petitioner relating to this disciplinary proceeding;
- g). to issue any other or further, order or direction which this Hon’ble Tribunal may deem fit and proper in the circumstances of the case.

h). Award cost of the petition.”

2. The factual matrix of the case is that the petitioner is a Senior Clerk in the Lohaghat Division of the Uttarakhand Transport Corporation who joined service on 12.06.2000 as Booking Clerk and has been serving diligently for over 24 years. This is the second Claim Petition filed by the petitioner. In earlier Claim Petition No. 18/NB/SB/2025 this Hon’ble Tribunal had directed respondent no. 2 to dispose off the pending appeal of the petitioner dated 14.11.2024 with a reasoned and speaking order, within a period of 30 days from the date of presentation of certified copy. Accordingly, the appeal was disposed off vide impugned order dated 29.04.2025. While disposing the Claim Petition No. 18/NB/SB/2025 it was clarified that the petitioner will have liberty to file claim petition, on the basis of fresh cause of action, if any, which may arise upon the decision on that appeal. Since partial relief had been granted in appellate order dated 29.04.2025, petitioner has filed the present claim petition.

3. This is a straight case of punishment awarded to an employee Mrs. Hemlata Pandey, the petitioner for an act of indiscipline, insubordination, misbehaviour towards the superior officer and maligning the image of the respondent Corporation in the eyes of the public at large. The concerned incidents took place in a natural continuation on 23.04.2024 and 24.04.2024 wherein on 23.04.2024 the Regional Manager inspected the Bus Station offices of the Senior Station Incharge Mrs. Manju Joshi. The petitioner happened to be a subordinate staff under the Senior Station Incharge at the aforesaid

office campus. During the said inspection by the Regional Manager Mrs. Manju Joshi, Senior Station Incharge was found absent, and upon a query the petitioner told the Inspecting Officer that the said Mrs. Manju Joshi attends her office only two days a week. Later on the same day, Mrs. Manju Joshi telephonically threatened the petitioner for making such a complaint before the Inspecting Officer. The petitioner recorded the telephonic conversation which was later on submitted as an audio clip and as a defence evidence during the departmental proceeding against the petitioner. The very next day on 24.04.2024 the petitioner filed a written complaint against the Senior Station Incharge Mrs. Manju Joshi. But before that on the same day, there took place a loud and ugly quarrel between the petitioner and the Senior Station Incharge Mrs. Manju Joshi within the office campus before the eyes of other employees and the general public. This entire episode was video recorded and the video clip was produced by the Senior Station Incharge alongwith a complaint and recommendation to initiate departmental proceedings against the petitioner. Thus, a case was made-out in the complaint dated 24.04.2024 against the petitioner for indiscipline, insubordination, misbehaviour with the superior officer and maligning the image of the Department in the eyes of general public. An independent complaint was also submitted to the Assistant General Manager, Lohaghat by 09 employees of the same Bus Station and office complex on the same day against the petitioner for misbehaviour and threats towards the employees too, in her day-to-day working.

4. On 26.04.2024, a show-cause was issued to the petitioner. She submitted her reply on the same day denying all the allegations. The narrative of the petitioner in her reply was that the allegations against the petitioner were just a fabricated story, beyond the truth. The complaint filed by her colleagues and other employees was also false. Nevertheless, on 30.04.2024 the petitioner was suspended on the basis of the complaint of the Senior Station Incharge. No on-spot preliminary enquiry seems to have been conducted in the matter before issuing the order of suspension order dated 30.04.2024. On 02.05.2024, within two days of suspension, a charge-sheet was served upon the petitioner and on 09.05.2024 the Assistant Manager, Pithoragarh was appointed as the Enquiry Officer. On 13.05.2024, the petitioner submitted her reply to the charge-sheet, denying all charges and stating that the disciplinary proceedings were unilateral and biased. She categorically mentioned that the entire episode had been literally choreographed by Mrs. Manju Joshi after provoking the petitioner to react in anguish, and the evidence was created under her pressure upon the staff. After the petitioner's reply to the charge-sheet, the same Assistant Manager, Pithoragarh was again formally appointed Enquiry Officer on 18.05.2024. The Enquiry Officer conducted the inquiry proceeding on 05.06.2024 and submitted his inquiry report on 21.06.2024, a copy of which was also served to the petitioner for her reply. On 02.07.2024, the petitioner submitted a detailed reply to the inquiry report, pointing out procedural lapses and fabricated charges. A 2nd show-cause notice was issued to the petitioner on 23.07.2024, proposing the punishment of "withholding of

05 increments with cumulative effect for future, alongwith the confiscation of the salary of suspension period”, after pointing out that the petitioner’s reply was not found satisfactory. On 22.08.2024, the final punishment order was issued imposing a penalty of withholding 03 increments without cumulative effect. On 14.10.2024, the petitioner preferred a departmental appeal before the Respondent No. 2 being the Appellate Authority, but the same was not disposed off soon, compelling the petitioner to file a Claim Petition No. 18/NB/SB/2025 against the respondents for a direction to be given to the respondent No. 2 (Appellate Authority) to dispose of the petitioner’s pending departmental appeal dated 14.11.2024. The Tribunal found substance in the claim petition and directed the respondent No. 2 (Appellate Authority) on 20.03.2025 to decide the petitioner’s departmental appeal dated 14.11.2025 within 30 days.

5. In compliance with the Tribunal’s order dated 20.03.2025 the Appellate Authority passed the appellate order date 29.04.2025, disposing off the petitioner’s appeal modifying the original punishment order by reducing the punishment by withholding only two increments without cumulative effect for the future, instead of three with cumulative effect, but keeping the remaining punishment as it is.

6. Therefore, the petitioner has again agitated the Tribunal to quash the charge-sheet dated 02.05.2024, the punishment order dated 22.08.2024 and appellate order dated 29.04.2025 alongwith a prayer that the period of the petitioner’s suspension w.e.f. 30.04.2024

to 22.08.2024 for 115 days as on duty and consequently grant all the due salaries and allowances to the petitioner for this period.

7. In the instant claim petition the petitioner, though denied the allegations of incident of quarrel of altogether on 24.04.2024, but admitted later on during the departmental inquiry that such an ugly incident had taken place between the petitioner and the Senior Station Incharge Mrs. Manju Joshi on 24.04.2024, nevertheless, it had originated because of serious provocations made by the Senior Superintendent Mrs. Manju Joshi after which the incident took place under provocation. As per the petitioner, she did not misbehave with the superior officer or did not utter absurdities towards the other employees present at the spot. Further, as per the petitioner's averment the entire departmental proceedings have been violative of discipline rules, are mechanical in nature and literally one-sided in findings.

8. In the counter affidavit, the respondent Corporation has stated that there has been full compliance of the principle of natural justice, and the provisions of the Uttarakhand Transport Corporation Employees (Other than Officers) Service Regulations, 2015. The petitioner has been found guilty of indiscipline, and after providing her opportunity the petitioner has been awarded the punishment as per the provisions of 2015 Regulations. The petitioner is trying to conceal the actual facts about the incident and has been imposed a punishment after full-fledged disciplinary inquiry and having been found guilty of misconduct consequently.

9. After having heard the learned Counsels the Tribunal perused the entire record of the instant matter. Learned Counsel for the petitioner has reiterated the pleadings as mentioned in the claim petition and the rejoinder affidavit. The learned Counsel drew the attention of the Tribunal towards the appellate order dated 29.04.2025 wherein the respondent No. 3 (Appellate Authority) has admitted that the quantum of punishment in the punishment order dated 22.08.2024 is un-proportionately stern in comparison to the charges levelled against the petitioner in the charge-sheet and hence the punishment deserves to be relaxed:-

“उक्त से स्पष्ट है कि प्रत्यावेदक पर वरिष्ठ स्टेशन प्रभारी श्रीमती मंजू जोशी के साथ अभद्रता एवं गाली गलौज किये जाने का आरो प्रमाणित है लेकिन मण्डलीय प्रबन्धक (संचालन), टनकपुर द्वारा आदेश संख्या 1169/ट0क्षे0/म0प्र0 (संचा0)/1-डिस्प/2024 दिनांक 22-08-2024 के अन्तर्गत जो दण्ड दिया गया है वह आरोपों की तुलना में अत्यधिक कठोर है। जिसको शिथिल किया जाना मैं उचित पाती हूँ।

तदनुसार, मण्डलीय प्रबन्धक, मण्डलीय प्रबन्धक (संचालन), टनकपुर द्वारा आदेश संख्या 1169/ट0क्षे0/म0प्र0 (संचा0)/1-डिस्प/2024 दिनांक 22-08-2024 के अन्तर्गत दिये गये दण्ड को शिथिल करते हुये श्रीमती हेमलता पाण्डेय, वरिष्ठ लिपिक, लोहाघाट डिपो की 02 वर्ष की वेतन वृद्धि बिना भविष्य प्रभाव के रोके जाने के आदेश पारित किये जाते हैं एवं शेष दण्ड यथावत रहेगा।”

(सानिया पन्त)
महाप्रबन्धक (प्रशासन)
निगम मुख्यालय।

Learned Counsel for the petitioner has also relied upon several citations regarding the irregularities in the conduct of the departmental proceedings and has finally prayed that the entire departmental proceedings must be quashed and the consequential benefits be given to the petitioner.

10. Learned Counsel for the respondent Corporation has emphasized that a thorough reading of the departmental proceedings would establish that the petitioner was actually guilty of gross misbehaviour towards the superior officer, indiscipline and other charges. Every stipulated opportunity has been given to the petitioner to defend herself. The petitioner, on her part has admitted to the incident and misbehaviour, somehow or the others. Nevertheless, she has claimed repeatedly that she had been provoked by the Senior Station Incharge to react that way. Therefore, the petitioner, in one way or the other, has confessed to her misbehaviour and, therefore, she has been punished accordingly.

11. After the perusal of the record and going through the pleadings of the learned Counsels, the Tribunal is of the opinion that the reported incident of indiscipline by the petitioner did take place on 24.04.2024 wherein the petitioner's conduct was violative of the Service Regulations. It does appear to the Tribunal that the mutual relations between the petitioner and Senior Station Incharge seem to have been strained for quite some time before the incident dated 24.04.2024, which is evident from the fact that the petitioner deemed it necessary to record the telephone call of Senior Station Incharge to

the petitioner on 23.04.2024 as an evidence for future. It seems that this very telephonic conversation became the corner stone of the incident of quarrel and alleged misbehaviour between the two ladies on 24.04.2024. That the alleged incident took place in reality was confirmed from the audio clip of the telephone conversation provided by the petitioner, and the video clip provided by the Senior Station Incharge during the departmental inquiry. The Enquiry Officer has categorically described the incident of quarrel and the absurdities uttered by the petitioner. The statements of the witnesses also establish, somehow or the others, that this unfortunate incident had taken place in reality. Now, the question before the Tribunal is whether this ugly incident should be brushed aside as a quarrel of egos between the two ladies, or should it be treated as an act of indiscipline and insubordination.

12. This is manifestly established beyond doubt that the incident took place within the official campus, between two Government Employees, wherein the petitioner was a subordinate employee of the same respondent Corporation in which the other person was the immediate superior officer of the petitioner, in front of the eyes of the other Government Employees of the same Corporation, and the general public. Obviously, the legal position undoubtedly is that this ugly incident has rightly been reported to the higher authorities as an act of indiscipline and insubordination under the provisions of the Uttarakhand Transport Corporation Employees (Other than Officers) Service Regulations, 2015, followed by a

detailed departmental proceeding. The Tribunal has not been able to find any major irregularities in these departmental proceedings, as alleged by the petitioner. Therefore, undoubtedly the claim petition is not based upon a firm ground, except for the quantum of punishment imposed upon the petitioner which is both financial as well as prohibitive for her career progression in the future. This is not the purpose of principles of punishment. The proposed punishment for an employee must not seem retaliatory. Ironically, such is not the case with the show-cause notice dated 23.07.2024 served upon the petitioner, which reads as under:-

“अतः आप यह स्पष्ट करें कि क्यों ना जॉच अधिकारी जॉच रिपोर्ट के आधार पर आपके प्रति लगाये गये आरोपों क लिए आपको दोषी मानते हुये निलम्बन काल का वेतन राजसात करते हुए 05 वर्ष की वेतन वृद्धि भविष्य प्रभाव सहित रोक दी जाये।”

This proposed punishment, which seems to be maximalistic, if not retaliatory or overzealous against the petitioner, has unfortunately set the pace and quantum for the subsequent considerations and deliberations upon the matter, and has not left much scope for a liberal, compassionate or correctional approach towards the employee. This is not justifiable in a quasi-judicial consideration upon appeal or representation.

Further, Hon'ble Apex Court has, time and again guided that the financial losses or penalties should be avoided so far as possible, in the punishments, since more than the delinquent employee, such penalties affect the family adversely. Keeping this

aspect in mind, the Tribunal's conclusion is that confiscation of petitioner's salary during the period of suspension, i. e., 115 days is not justifiable, and is, therefore, quashed. The remaining punishment as adjudicated by the Appellate Authority, i.e., stoppage of 02 years' increments (without a cumulative effect) will remain in force as such.

ORDER

Accordingly, the claim petition succeeds only partly. The suspension period of the petitioner w.e.f. 30.04.2024 to 22.08.2024 for 115 days will be considered as on duty and consequently allow all the due salaries and allowances to the petitioner for this period. The remaining punishment as adjudicated by the Appellate Authority, i.e., stoppage of 02 years' increments (without a cumulative effect) will remain in force as such. The Tribunal deems it fit and proper to direct the Respondent No. 4 (Divisional Manager [Operation], Uttarakhand Transport Corporation, Tanakpur, Dist-Champawat) to comply with this Tribunal's order by confirming the petitioner on duty in the service records w.e.f. 30.04.2024 to 22.08.2024 for 115 days and making payment of due salaries, and allowances etc. for the said period, within a time-frame of 45 days from the date when the petitioner presents a certified copy of this judgment and order of Tribunal before the respondent No. 4. No orders as to costs.

(Capt. Alok Shekhar Tiwari)
Member (A)

DATE: APRIL 17th, 2026
NAINITAL
BK