

**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.157/DB/2025

Sri Yakub Ali, aged around 48 years, s/o Late Sri Asgar Ali, r/o Shimla Bypass Road, Sherpur, Dehradun, Uttarakhand.

.....**Petitioner**

vs.

1. State of Uttarakhand through Principal Secretary, Forest, Secretariat, Subhash Road, Dehradun.
2. Principal Chier Conservator of Forest/HoFF, Uttarakhand Forest Headquarter, 85 Rajpur Road, Dehradun.
3. Chief Conservator of Forest, Garhwal Circle, Kotdwar, Pauri, Uttarakhand.
4. Conservator of Forest, Shivalik Circle, 5- Ansari Road, Kalika mandir, Machhi Bazar, Paltan Bazaar, Dehradun, Uttarakhand.

.....**Respondents**

Present: Sri Varun Agarwal, Advocate, for the petitioner.
Sri V.P.Devrani, A.P.O., for the Respondents.

JUDGMENT

DATED: SEPTEMBER 02, 2026

Sri Arun Singh Rawat, Vice Chairman (A)

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

“i. To quash the Charge Sheet dated 17.08.2009 (Annexure No. A3), the supplementary chargesheet dated 09.03.2010 (Annexure No. A4) issued against the petitioner along with all other consequential orders including the punishment order dated 30.10.2023 (Annexure No. A5) the appeal dismissed by the appellate Authority vide order dated 26.07.2024 (Annexure No.9) and the order of the revisional authority dated 27.11.2025 (Annexure No. 13), declaring the same to be legally null & void with its effect and operation and after calling the entire record.

ii. To issue order or direction to grant all benefits of salary and other service benefits had it been the impugned order was never in existence.

iii. To issue order or direction to expunge the adverse entry recorded in the service record of the applicant and grant all the service benefits.

iv. To issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.”

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

2.1 The petitioner was posted as a Forester in Khanpur Range, District Haridwar, in December 2008. On 23.12.2008, he informed the Forest Ranger that a person named Qamaruzama was clearing bushes and digging in the forest area. The petitioner stopped the activity and asked Qamaruzama to get the boundaries of his property surveyed, as he claimed that the land belonged to him. A survey was conducted on 05.02.2009 in the presence of Forest and Revenue Department officials, including the petitioner. Boundary pillars numbered 1 to 12 were identified. However, before all the pillars could be properly installed, only pillars 7 to 12 had been placed, and the boundary pillars were later found damaged or missing. Therefore, the exact status of the disputed land remained unclear.

2.2 The Forest Department subsequently alleged that Qamaruzama had illegally entered the reserved forest area, destroyed plantations, uprooted trees and ploughed the land. The Forest Range Officer took control of the disputed land. On the basis of the report of the Sub-Divisional Forest Officer, the petitioner was held prima facie responsible for felling of trees and ploughing of the reserved forest

area and was suspended on 04.07.2009. An FIR was also registered against Qamaruzama and eight others, including the petitioner, for alleged violations of the Wildlife Protection Act, Forest Act and Forest Conservation Act. However, the petitioner was later acquitted by the Chief Judicial Magistrate, Haridwar in the criminal case relating to the same incident.

2.3 Following his suspension, disciplinary proceedings were initiated against the petitioner. The disciplinary authority appointed the DFO, Dehradun, as Inquiry Officer on 11.08.2009, and a chargesheet was issued on 17.08.2009. In another connected proceeding, the DFO, Lansdowne, was appointed as Inquiry Officer on 23.02.2010 and a chargesheet was issued on 09.03.2010. The petitioner contends that the disciplinary proceedings continued for about 14 years, during which he was deprived of promotional and other service benefits and remained under the stigma of disciplinary proceedings. In 2023, he was granted conditional promotion after the intervention of the High Court.

2.4 The petitioner has challenged the disciplinary proceedings and punishment on several grounds. He argued that the Inquiry Officers were appointed before the chargesheets were issued and that the Inquiry Officers themselves signed the chargesheets, which according to him was contrary to the Discipline and Appeal Rules and the law laid down by the Uttarakhand High Court and Public Service Tribunal. He further stated that copies of the inquiry reports were never supplied to him, depriving him of an opportunity to submit his representation and violating the principles of natural justice.

2.5 The petitioner also challenged the subsequent major punishment imposed upon him. The original punishment order dated 30.10.2023 imposed a minor punishment under Rule 3, following the procedure applicable to minor penalties. However, after the petitioner filed an appeal, the Conservator of Forests passed an order dated 28.03.2024 converting the minor punishment into a major punishment. According to the petitioner, the procedure required for imposing a

major penalty was never followed because the witnesses mentioned in the chargesheets were not examined and the petitioner was not given an opportunity to cross-examine them.

2.6 The petitioner further contended that a supplementary chargesheet was issued for the same offence, which, according to him, violates the protection against double jeopardy under Article 20(2) of the Constitution. It is also submitted that two Forest Guards, Rajkumar and Dharampal, who were involved in the same incident, were given only minor punishments, whereas he was subjected to a major punishment. He, therefore, alleged discrimination and violation of Article 14 of the Constitution. He, submitted that he has been acquitted in, the criminal case and since the criminal allegations were the same and had been disproved, the disciplinary proceedings and punishment based on those allegations should also not be allowed to stand.

3. Claim petition has been contested on behalf of respondents. C.A. has been filed by Sri K.D. Dhiman, Conservator of Forests, Shiwalik Circle, Dehradun, on behalf of Respondents. Relevant documents have been filed in support of the C.A. and respondents have stated that the petitioner was initially appointed as a Forester (Daroga/Section Officer) in the Forest Department of the erstwhile State of U.P. in 1999. During 22.10.2008 to 04.07.2009, he was posted as Section In-charge of Khanpur Range and was responsible for protecting reserved forest land, preventing illegal felling of trees and encroachment, and reporting such incidents to the higher authorities. During his tenure, several irregularities were found in Khanpur Central Beat and Khanpur East Beat, particularly in Sikrauda Compartment Nos. 3A and 3B, where illegal felling of trees, encroachment and ploughing of reserved forest land were reported. A preliminary inquiry was conducted by the SDFO, Roorkee on 29.06.2009 and, thereafter, the petitioner was placed under suspension on 04.07.2009 pending departmental inquiry. Further inspection revealed that a private landowner, Qamaruzama, had allegedly ploughed about 250 bighas of reserved forest land and

removed several trees and bushes. It was alleged that the petitioner, despite being responsible for protecting the forest land, failed to take effective legal action against the encroachment and illegal felling. It was also found that about 1,500 saplings planted during the afforestation programme had been damaged because of the encroachment and illegal ploughing, causing a financial loss of approximately Rs.15,000 to the department.

3.1 A regular departmental inquiry was initiated against the petitioner and the DFO, Lansdowne was appointed as the Inquiry Officer. The charge-sheet dated 17.08.2009 contained three charges against the petitioner. The first charge was that he failed to take timely action against illegal felling of trees and failed to report the matter to higher authorities, resulting in financial loss to the department. The second charge was that he failed to prevent the encroachment and cultivation of about 250 bighas of forest land by Qamaruzama and the cutting of about 250–300 trees and bushes. The third charge was that due to his negligence, about 1,500 plantation saplings were destroyed. The petitioner participated in the inquiry and denied the charges in his written reply dated 19.11.2009. After considering his reply and the material available on record, the Inquiry Officer submitted his report on 04.01.2010. During the inquiry, certain additional facts and allegations also came to light, resulting in a supplementary charge-sheet dated 09.03.2010 containing three further charges. These charges are related to alleged manipulation of forest boundaries in connivance with other officials and Qamaruzama, resulting in about 13.9151 hectares of reserved forest land going out of departmental control; construction of boundary pillars Nos. 7 to 12 without departmental sanction, allegedly facilitating encroachment; and submission of an alleged false bill of Rs.20,000 for purchase of a submersible pump from M/s Zulfan Hardware, upon verification which was found not to have been issued by that firm. The petitioner also participated in the proceedings concerning the supplementary charges and gave his response.

3.2 Thereafter, the disciplinary authority, after considering the inquiry material and the opportunity given to the petitioner, passed the final punishment order dated 30.10.2023. Certain charges were held proved and others partly proved, and the petitioner was awarded the penalties of censure, recovery of Rs.29,887/- towards financial loss, and withholding of his salary increments for three years permanently. Aggrieved by the punishment, the petitioner preferred a departmental appeal dated 13.12.2023 before the Chief Conservator of Forests, Garhwal Circle. Subsequently, an amendment order dated 28.03.2024 was issued clarifying that the punishment imposed was to be treated as a major penalty under the relevant rules. The appellate authority, after examining the departmental record, inquiry report and the grounds raised by the petitioner, rejected his appeal by a reasoned order dated 26.07.2024, holding that the departmental proceedings had been conducted properly and that the punishment was proportionate and justified.

3.3 Meanwhile, the petitioner was acquitted in the related criminal case by giving him the benefit of doubt. On that basis, he submitted a revision/representation dated 22.03.2025 seeking reconsideration of the departmental punishment. He thereafter filed Claim Petition No. 79/DB/2025 before the Tribunal on the ground that his revision had not been decided. On 03.07.2025, the Tribunal directed the department to take a decision on his representation/revision. Pursuant to the said direction, the petitioner again submitted a representation dated 12.07.2025 before the CCF, Garhwal. However, before awaiting the decision, he filed Execution Application No. 06/2025, which was disposed of on 30.10.2025. Subsequently, the CCF, Garhwal Range, acting as the Revisional Authority, rejected the petitioner's representation by a speaking and reasoned order dated 27.11.2025.

3.4 The department has taken the stand that the petitioner's acquittal in the criminal case, having been granted on the benefit of doubt, does not automatically invalidate the departmental punishment.

According to the department, criminal proceedings and departmental proceedings are governed by different standards of proof and have different consequences. The criminal case was based on offences under the Indian Forest Act, the Wildlife Protection Act and the Forest Conservation Act, whereas the departmental proceedings were conducted under the Uttarakhand Government Servants (Discipline and Appeal) Rules, 2003. In departmental proceedings, the standard of proof is based on the preponderance of probabilities, which is different from the standard applicable in a criminal case. Relying upon the judgment of the Supreme Court in *State of Rajasthan v. Phool Singh*, (2022) 10 SCC 703, the department contends that an acquittal in a criminal case does not, by itself, require the departmental punishment to be quashed. Therefore, according to the department, the charge-sheet, supplementary charge-sheet, punishment order dated 30.10.2023, appellate order dated 26.07.2024 and revisional order dated 27.11.2025 were passed in accordance with law, and the claim petition is without legal merit and liable to be dismissed.

4. We have heard the arguments of the Learned Counsel for the petitioner as well as Learned APO and perused the documents brought on record.

5. Learned counsel for the petitioner submitted written arguments and argued the case before the Tribunal. He submitted that a disciplinary proceeding was initiated against the petitioner in the year 2009- 10 and a police case was also registered against him. It took almost 14 years to complete the disciplinary proceeding against him which is against the law laid down by the Hon'ble Courts and the Hon'ble Apex Court in the matter of *State of A.P. vs N. Radha Krishnan* 1998 INSC 175, in which it was held that the inordinate delay in concluding the disciplinary proceedings is a ground for quashing. The DFO Dehradun was appointed as inquiry officer on 11.8.2009, charge sheet was issued on 17.8.2009 which was signed by the inquiry officer. Further, DFO Lansdowne was appointed as Inquiry officer on 23.02.2010 and second charge sheet was issued on 09.03.2010. Both

the charge sheets were issued as per the Rules of 2003 and continued post amended Rules 2010. The appointment of inquiry officers before the issuance of charge sheets and signing of those by enquiry officers is against the judgment of the Hon'ble High Court of Uttarakhand in Lalita Verma vs state of Uttarakhand in WP 118(S/B) 2008 and other cases by the Hon'ble High Court as well as the Uttarakhand Public Services Tribunal. The petitioner was not provided the copies of both the inquiry reports to enable him to submit his representation against the inquiry reports which is violation of Ruled 9(4) of Discipline and Appeal Rules of 2003. This action of the respondents is also against the judgement of the Hon'ble Apex Court in the matter of Ramzan Khan (AIR 1991 SC 4711) which lays down that non-supply of the report amounts to the denial of the natural justice. This has been affirmed by the Hon'ble Apex Court in the matter of the state of Uttar Pradesh vs Ram Prakash Singh 2025 INSC 555. The Hon'ble Apex Court in the paragraph 70 & 71 has also observed that where there is a huge lapse of time in concluding the disciplinary proceedings, that matter shall not be referred back to rectify the mandatory procedural errors irrespective of the gravity of the offence.

5.1 The respondents have imposed major penalty without following the due procedure as laid down in the Discipline and Appeal Rules of 2003. The witnesses mentioned in the charge sheet were never called for giving oral evidence and they could not be cross examined also. The penalty has been awarded on the basis of the unverified documents which is against the judgement of the Hon'ble Apex Court in the matter of the State of Uttar Pradesh vs Ram Prakash Singh in INSC 555 9(para 14&15)

5.2 The respondents have filed a supplementary charge sheet in which the charge no. 1 is the repetition of the charge 1 & 3 in the 1st charge sheet. He has been punished for the same offence twice in violation of the Article 20(2) of Constitution of India. There were same charges against the two forest guards also and they have been

awarded minor penalties, is against principle of equality as enunciated in the article 14 of the Constitution of India.

5.3 The petitioner has been acquitted in the criminal case filed against him for the same offence for which the disciplinary proceedings were initiated. He has not been acquitted on technical grounds but due to the weak prosecution. So, he deserves to be acquitted in the disciplinary proceedings also. This has been held by the Hon'ble Apex Court in the matter of Ram Lal vs State of Rajasthan & others in Civil Appeal No 7935 of 2023, where the charges were not just similar but identical also. In view of the facts mentioned above the Charge sheets dated 17.8.2009, 09.3.2010; punishment order dated 30.10.2023 by the Disciplinary authority, order dated 26.07.1024 by the Appellate authority and order dated 27.11.2025 by the Revisional authority are liable to be quashed and the claim petition is liable to be allowed.

6. Learned APO argued and submitted the written arguments also. He has pleaded that the disciplinary proceedings against petitioner were initiated as per Discipline and Appeal Rules 2003 . The inquiry was conducted accordingly and charges were proved also. The second charge sheet was issued as additional facts related to change in the boundary pillars and financial irregularities came to light. Petitioner's acquittal in the criminal case was based on the benefit of doubt which does not invalidate the departmental punishment orders against the petitioner. Since the standard of proof in the departmental proceedings is preponderance of probabilities whereas in the criminal cases proof beyond reasonable doubt is required as settled in the judgement of the Hon'ble Apex Court in the matter of State of Rajasthan vs Phool Singh (2022) 10SCC 2003 .

6.1 The penalty awarded to the petitioner is as per the independent examination of the facts of the case, inquiry reports and the evidence by the Disciplinary Authority, Appellate Authority and the Revisional Authority. The disciplinary proceedings have been conducted as per rules and the claim petition is liable to be dismissed.

7. Based on the arguments of the parties and the documents presented, we find that the inquiry has been conducted as per the provisions of the Discipline and Appeal Rules, 2003. Though the judgment of the Hon'ble High Court of Uttarakhand in *Lalita Verma vs State of Uttarakhand* in Writ Petition No.118(S/B) 2008 was pronounced at that time but the Rule -7 of the Discipline and Appeal Rule 2003 was amended after this judgement only after the disciplinary proceedings were started. It cannot be said that the signing of charge sheet by the inquiry officer can be a ground for setting aside the disciplinary proceedings. The Rules of 2003 do not say that the inquiry officer cannot be appointed before issuing the charge sheet. The Disciplinary Authority awarded major punishment which has been upheld by the Appellate Authority as well as the Revisional Authority without analyzing that the inquiry officers in both the cases did not examine the witnesses and the charged officer also could not cross-examine the witnesses. The documents in support of the charges could not be verified during the inquiry conducted by the inquiry officers. The copies of the inquiry reports were also not given to the charged officer to enable him to submit his representation against the proposed punishment based on the inquiry. The petitioner has been acquitted in the criminal case, cannot be ground for his acquittal in the departmental enquiry as he has been acquitted by giving benefit of doubt by the Chief Judicial Magistrate, Haridwar. It is clear that the inquiry has not been conducted as per the procedure laid down in the Rules of 2003 and it suffers from the procedural lacuna. The charge sheets dated 17.8.2009 and supplementary charge sheet dated 09.03.2010; punishment order dated 30.10.2023 by the Disciplinary Authority, order dated 26.07.1024 by the Appellate Authority and order dated 27.11.2025 by the Revisional Authority are liable to be quashed and the claim petition is liable to be allowed.

7.1 Since it took almost 14 years to complete the disciplinary proceedings against the petitioner, who has suffered not only in his career but subjected to mental agony also. There is no point to re-

enquire into the matter as there has been an inordinate delay in conducting the this enquiry.

ORDER

The charge sheet dated 17.8.2009 and supplementary charge sheet dated 09.03.2010; punishment order dated 30.10.2023 passed by the Disciplinary Authority, appeal dismissal order dated 26.07.1024 passed by the Appellate Authority and order dated 27.11.2025 passed by the Revisional Authority are hereby quashed. The claim petition is allowed. No order as to cost.

(RAJENDRA SINGH)
ACTING CHAIRMAN

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

DATE:SEPTEMBER 02, 2026.
DEHRADUN

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