

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

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

----- Member (A)

Claim Petition No. 85/NB/SB/2025

Bhupal Singh Adhikari (Male) Aged about 68 years S/o Late Sri Dev Singh Adhikari R/o Village Nathupur P.O. Kumbhichaur Koatdwar District Pauri Garhwal Uttarakhand

..... Petitioner

Versus

1. State of Uttarakhand through Secretary Transport Department, Dehradun.
2. Uttarakhand Transport Corporation through its General Manager, Head Quarter, 117, Indira Nagar, Dehradun
3. Regional Manager (Operation), Uttarakhand Transport Corporation, Kumoun Region, Kathgodam, District Nainital.

.....Respondents

Present : Sri Harish Adhikari, Advocate for the petitioner
Sri Kishore Kumar, A.P.O. for the respondent No. 1
Sri Prem Kaushal, Advocate for the respondents
No. 2 & 3

JUDGMENT

DATED : 8th OCTOBER , 2026

By means of this petition, the petitioner seeks the following reliefs:

- “(i) To issue appropriate in nature and set aside the impugned order dated 27-09-2025 along with its effect and operation and further direct the respondents to release the two increments for the year of 2008-2009 and 2009-2010 and revised the salary and also pensionary benefits and

pay the same and also pay the arrears of salary and revised gratuity and leave encashment or in alternate pass any other order direction which this Hon'ble court may deem fit and proper under the facts and circumstances stated in the body of the claim petition.

- (ii). To issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. Brief facts of the case are as under:

2.1. By means of the present claim petition, the petitioner is challenging the order dated 27-09-2025 by which the respondent no. 3 rejected the representation of the petitioner and maintained the earlier punishment which was awarded for two misconducts in spite of the petitioner being exonerated from one misconduct, which was more serious in nature. The respondent no. 3 while deciding the representation has not applied its mind, because it is clear from the last three lines of paragraph no. 2 of the last page of the punishment order simply states that the petitioner failed to offer any unquestionable evidence that he was not careless, whereas the main issue was that when serious charge was dropped, then how can the same punishment be proportionate, which was earlier awarded for two misconducts. The aforesaid reasoning of the respondent no. 3 is against the law and rules and also is double jeopardy. Hence this petition.

2.2. This is fourth round of litigation earlier the petitioner filed the Claim Petition No. 09/NB/SB/2017 "Bhupal Singh Adhikari Vs

State of Uttarakhand and others”, Claim Petition No. 38/NB/DB/2020 and Claim Petition No. 50/NB/SB/2025.

2.3. The petitioner was initially appointed as Booking Clerk in erstwhile UPSRTC and after creation of Uttarakhand Transport Corporation has been absorbed in the successor Corporation.

2.4. The work and conduct of the petitioner had all along been meritorious, as such he was promoted as Senior Clerk vide order dated 14-06-2005.

2.5. In the year of 2003, the Department initiated a preliminary enquiry for loss of tickets and A.R.M. Kashipur was appointed as Enquiry Officer and the Enquiry Officer after completing preliminary enquiry submitted its report on 24-10-2003 and in the aforesaid report the Enquiry Officer found that the petitioner was not responsible for the financial loss and also loss of tickets.

2.6. Thereafter, again an enquiry was conducted by Accountant of Kashipur Depot, who submitted his report on 06-04-2004 and A.R.M. Kashipur and in this enquiry he also not held guilty to the petitioner for any loss of tickets or the way-bill.

2.7. Again an enquiry was conducted by Senior Audit Officer, who submitted his report vide letter dated 07-05-2004 to A.R.M Kashipur and also observed that the petitioner was not responsible for the alleged loss of tickets.

2.8. Thereafter, another preliminary inquiry in regard to the alleged loss of tickets and way-bills was conducted with an ulterior motive and evil designs and latent motive just to get the petitioner implicated in the false and flimsy charges, through A.R.M. Kashipur, who submitted his report to R.M, Nainital vide its report dated 23-07-2004. It is worthwhile to mention here that in this report too the petitioner was not held liable for the alleged loss of two pads of way-bills consisting each 100 way-bills.

2.9. Despite the fact that in all preliminary inquiries the petitioner was not held liable for the alleged loss of tickets and way-bills except in the preliminary inquiry conducted by the A.R.M. Kashipur (wherein he was not held liable for the loss of the two pads of way-bills)

2.10. An anonymous complaint dated 20-03-2004 was received in the office of A.R.M. Kashipur through which a way-bill out of the way-bills said to have been missing was annexed therewith and it was alleged in the aforesaid complaint that two way-bills are sold by the A.R.M. (Finance). That surprisingly the A.R.M. (Finance), Nainital against whom the anonymous complaint dated 20-03-2004 was received was entrusted the inquiry on the subject vide A.R.M. Kashipur letter dated 24-03-2004 addressed to Mahendra Kumar, Lekhakar with an endorsement to A.R.M. (Finance) Nainital.

2.11. Thereafter, a charge-sheet was served to the petitioner on 25-10-2004 consisting false and frivolous charges ignoring the

facts that in all the preliminary inquires the petitioner was not found guilty.

2.12. Thereafter, the petitioner submitted his reply and denied the charges and in reply submitted that in the preliminary inquiry report dated 23-07-2004 it was observed that Sri Raj Kumar, Accountant, Senior Station In-charge Veer Singh posted during the relevant period appeared to have been connived in the alleged loss of tickets and way-bills, but they have not been charged for nor have been subjected for any disciplinary inquiry for the reasons best known to the Higher Authorities of the respondent Corporation. The petitioner further stated that the department instead of making any inquiry against the then A.R.M. (Finance), Nainital against whom there have been serious allegations which, prima facie, reveal that he was directly and indirectly liable for the alleged loss/theft.

2.13. Thereafter, a sham domestic enquiry was conducted against the petitioner and no opportunity was given to the petitioner and punishment order was passed against the petitioner on 30-06-2008. The punishing authority without applying his mind passed the punishment order.

2.14. Felling aggrieved by the punishment order, the petitioner preferred a statutory departmental appeal before the Appellate Authority on 26-08-2008.

2.15. Appellate Authority too passed the appellate order by modifying the order of punishment awarding the following

punishment in an arbitrary and unlawful manner without any lawful authority or competence to do so in a mechanical manner.

- (a) The recovery of Rs. 1,84,230/-
- (b) Stoppage to two years increments without future effect

2.16. Feeling aggrieved by the punishment order and appellate order, the petitioner approached this Hon'ble Court by way of filing Claim petition No. 09/NB/SB/2017 "Bhupal Singh Adhikari Vs. State of Uttarakhand and others". The Hon'ble Court after hearing both the parties allowed the claim petition with the following observation:

"The claim petition is hereby allowed. The punishment order dated 30-06-2008 (Annexure A22) and the order passed by the Appellate Authority dated 27-11-2008 (Annexure A1) are hereby set aside with the effect and operation of these orders, However, it would be open to the competent authority to proceed afresh against the petitioner in accordance with law. Before parting with the matter, it is clarified that no opinion has been expressed on the merits of the case. No order as to costs."

2.17. Thereafter, after receiving the copy of the judgment, the petitioner submitted the same before the respondent authorities and having received the copy of Disciplinary Authority appointed the Assistant General Manager, Haldwani as Enquiry Officer vide order dated 30-10-2018 for inquiring the charges.

2.18. Thereafter, the Enquiry Officer after inquiring the matter submitted its report to the Disciplinary Authority on 25-10-2019 for necessary action. It is relevant to mention here that the Disciplinary

Authority not provide the copy of the inquiry report to the petitioner till date.

2.19 Thereafter, the Disciplinary Authority on 07-03-2020 passed the order against the petitioner and maintained the previous punishment of recovery and stoppage of increment with cumulative effect. That having received the copy of the impugned punishment order dated 07-03-2020 the petitioner came to know that the Enquiry Officer exonerated the petitioner from financial irregularity. The Disciplinary Authority in arbitrary and unlawful manner without any lawful authority or competence by mechanical error of law exceeded its jurisdiction and by giving his reasoning over the enquiry report passed the impugned order of punishment by reviving the earlier punishment order, which has been set-aside by this Hon'ble Court in earlier round of litigation.

2.20. Thereafter, the petitioner again challenged the aforesaid order before this Hon'ble Tribunal by way of filing claim petition no. 38/NB/DB/2020 with the following prayers:

- i. To quash the impugned order 07-03-2020 along with its effect and operation and after calling the entire record.
- ii. To issue order or direction to return the amount of the recovery of Rs. 1,84,230.00 along with 18% interest and also grant the benefit of the withheld two annual increments by granting the difference of pay with interest and also resettle the retrial of dues such as gratuity and funds of the petitioner after calling the entire records.
- iii. To issue any other order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

The Hon'ble Tribunal vide order dated 28-08-2023 allowed the claim petition and set-aside the punishment order and directed the respondent Corporation for fresh hearing in the matter.

2.21. Thereafter, the petitioner again filed the Claim Petition No. 50/NB/SB/2025 before this Hon'ble Tribunal and the Hon'ble Tribunal vide order dated 23-07-2025 was pleased to allow the petitioner's prayer to submit a fresh representation before the respondent no. 3 and further directed the respondent no. 3 to decide the same according to law with a speaking and reasoned order.

2.22. Thereafter, the petitioner submitted the representation on 08-08-2025 and requested the respondent no. 3 to review the punishment order after dropping of the more serious charge by the enquiry officer and to consider the proportionality of the punishment order.

2.23. Thereafter, the respondent no. 3 without going to the enquiry report and also ignoring the principle of proportionality and also violating the judgment of the Hon'ble Apex Court in the case of B.C. Chaturvedi Vs. Union of India reported in SCC 1995 (6) page 749 and State of U.P. Vs. Shiv Shanker Lal Srivastava 2005 (3) SCC 276 in which the Hon'ble Court has held that the principle of proportionality should always be kept in mind while awarding punishment in the departmental proceedings. Thus in view of the aforesaid judgments the impugned order is liable to be set-aside and the respondent no.2 and 3 be directed to release the two increments

for the year of 2008-2009 and 2009-2010 and revised the salary and also pensionary benefits and pay the same and also pay the arrears of salary and revised gratuity and leave encashment.

3. Learned A.P.O., on his part apprised the Tribunal that in this matter the Government is only a formal party.

4. Sri Prem Kaushal, learned Counsel for the respondents No. 2 & 3 has filed counter affidavit, in which it has been stated that-

4.1. The above claim petition has been filed by Shri Bhupal Singh Adhikari, retired Centre In-charge, in the Hon'ble Public Service Tribunal, Nainital with the request to cancel the representation disposal order number 27.09.2025, to grant two increments for the year 2008-2009, year 2009-2010 and to provide the remaining amount of revised gratuity and encashment.

4.2. It is to be informed that by Office Punishment order No. 992 dated 30.06.2008 and Appeal Order No. 778 dated 27 November 2008, the petitioner was found to have been seriously negligent in his assigned duties while posted as CL at Kashipur Depot in the year 2004, causing financial loss of Rs. 22,500/- and Rs. 5,18,940/- to the department by making two waybill sheets disappear in collusion with each other. On this charge, the petitioner was penalized and orders were passed to recover Rs. 1, 84,230/- as penalty and to withhold annual increment for two years with future effect. Against this order, the petitioner filed a claim petition in the

Hon'ble Public Service Tribunal, Nainital, in which the Hon'ble Tribunal quashed the above mentioned punishment and ordered fresh proceedings in the matter.

4.3. In compliance with the above order, the Assistant General Manager, Haldwani, was designated as the inquiry officer and the entire case file was made available to him. After conducting a proper inquiry, the inquiry officer found the petitioner not guilty of colluding to cause financial loss to the department, however, he was found guilty in the charge sheet for negligence in relation to unserialized tickets.

4.4. The petitioner was found guilty by the Inquiry Officer of gross negligence in the performance of his assigned duties, but was found not guilty of colluding with the petitioner in the disappearance of the route ticket pads. The amount of ₹1,72,980 collected from the petitioner was returned to him, and the previously imposed penalty for negligence in connection with unserialized tickets was upheld.

4.5. The petitioner was found guilty of negligence in dealing with unserialized tickets in a departmental inquiry. This act constitutes serious misconduct. The petitioner did not present any cogent evidence in his representation that could exonerate him of the negligence in dealing with unserialized tickets.

4.6. The contents of para 1 of the claim petition as stated are not admitted. It is submitted that the petitioner was found guilty of

serious negligence in the work assigned to him by the inquiry officer, but was not found guilty of colluding with the petitioner to cause the disappearance of the route ticket pads. The amount of ₹1,72,980 collected from the petitioner was returned to the petitioner, and the previous penalty imposed on the petitioner for negligence in the matter of unserialized tickets was upheld. (Photocopy attached). The petitioner was found guilty of negligence in the matter of unserialized tickets in the departmental inquiry proceedings. This act constitutes serious misconduct. The petitioner did not present any reasonable evidence in his representation that could exonerate him of negligence in the matter of unserialized tickets. Consequently, by order dated 27.09.2025, the petitioner's representation was dismissed as being baseless and without merit.

4.7. The contents of para 4.1 and 4.2 of the claim petition are admitted.

4.8 The contents of para 4.3 of the claim petition are not admitted as stated. It is respectfully submitted that after completion of all departmental job proceedings against the petitioner, Punishment Order No. 1962 dated 30.06.2008 and Appeal Order No. 778 dated 27 November 2008 were issued for negligent work. It is for the petitioner to prove the rest of the averments made in the para under reply by placing strict proof.

4.9. The contents of para 4.12 of the claim petition as stated are not admitted. It is humbly submitted that the petitioner was given

full opportunity of hearing during the inquiry proceedings and all the principles of natural justice and fair play have been followed.

4.10. The contents of para 4.13 and 4.14 of the claim petition are admitted.

4.11. The contents of para 4.15 and 4.16 of the claim petition are admitted. However, it is submitted that the Department has fully complied with the directions of the orders passed by the Hon'ble Court.

4.12. The contents of para 4.18 of the claim petition are not admitted as stated. In reply, it is submitted that the investigating officer, while examining the case legally, found the petitioner not guilty of the charge of causing financial loss to the department by collusion, hence he was acquitted of this charge and was found guilty of acting negligently in relation to unserialized tickets in the charge-sheet.

4.13. The contents of para 4.19 of the claim petition are admitted.

4.14. The contents of para 4.20 of the claim petition are replied in the manner that while passing the decision on 23.07.2025, the Hon'ble Tribunal had ordered the petitioner to submit a detailed and reasoned representation to the department within 15 days and the department was ordered to dispose of this representation within 02 months.

4.15. The contents of para 4.21 of the claim petition are admitted.

4.16. The contents of para 4.22 of the claim petition as stated are not admitted, hence denied. It is humbly submitted that the petitioner was found guilty of negligent conduct in departmental job proceedings regarding unserialized tickets. This constitutes serious misconduct. The petitioner has not presented any reasonable evidence in his representation that could exonerate him of negligence regarding unserialized tickets.

5. Learned Counsel for the petitioner has filed Rejoinder Affidavit against the Counter Affidavit filed on behalf of the respondents No. 2 & 3, in which it has been stated that-

5.1. The contents of para 9 of the Counter Affidavit as stated are not admitted and in reply this is to be stated that the Respondents has miserably failed to explain the specific question that how can the same punishment be awarded for the two joint misconduct one being major and one being minor and for a single misconduct of a minor nature.

5.2. The contents of para 17 of the Counter Affidavit as stated are not admitted and in reply it is to be stated that the department has not complied the orders of the Hon'ble court in the true spirit.

5.3. The contents of para 19 of the counter affidavit clearly shows that the petitioner was not found guilty of any major misconduct.

5.4 The contents of para 23 as stated are not admitted and in reply it is to be stated that though the respondents found that the petitioner was not guilty of major charge and was only found to be negligent which was a minor misconduct, still they did not change the punishment as per the gravity of misconduct, how can that be justified they have not applied the mind on this aspect.

5.5. The contents of para 24 as stated are not admitted and in reply this is to be stated that the petitioner has placed all the relevant proofs before the respondents and they have not dealt with each of them impartially and kept the punishment awarded for two misconducts for the only one misconduct also.

5.6. The contents of para 25 to 27 of the counter affidavit as stated are not admitted and in reply this is to be stated that since the respondents has miserably failed in explaining how a punishment earlier awarded for two misconducts one major and the other minor can be the same on the findings by the respondents themselves that the petitioner is liable for only the one minor misconduct, therefore, in the interest of justice the petition of the petitioner should be allowed.

6. I have heard the learned Counsels for the parties and perused the records carefully.

7. Learned Counsel for the petitioner has exclusively emphasized upon the rationality and proportionality of the comparative quantum of punishments given to the petitioner for two separately proven charges in the final punishment order, wherein the impugned punishment is much higher in quantum in comparison to the second punishment of lower quantum, his emphasis is that this illogical proportionality is not in accordance with the established law, and the higher quantum of punishment must be minimized to the level of the second lower punishment quantum. The impugned final punishment given to the petitioner by Office Order No. 1224/के०आर०/10/भूपाल सिंह अधिकारी/2024 dated 06.05.2024 has stopped his salary increment for two years alongwith the ACP, which is too much a punishment, as compared to the second punishment, according to the learned Counsel for the petitioner.

8. As per learned Counsel for the petitioner, a representation dated 08.08.2025 had been submitted by the petitioner before the Appropriate Authority of the respondent Corporation in accordance with this Tribunal's judgment dated 23.07.2025 for release of the impugned increments and ACP, which has been rejected by the respondent Corporation without due consideration on 27.09.2025. Hence, this claim petition.

9. According to the learned Counsel for the petitioner, the respondent No. 3, without going into the enquiry report and also ignoring the principle of proportionality and also ignoring the judgment of the Hon'ble Apex Court in the case of B.C. Chaturvedi Vs. Union of India reported in SCC 1995 (6) page 749 and State of U.P. Vs. Shiv Shanker Lal Srivastava 2005 (3) SCC 276 in which the Hon'ble Court had held that the principle of proportionality should always be kept in mind while awarding punishment in the departmental proceedings. Thus in view of the aforesaid judgments the impugned order is liable to be set-aside and the respondent no.2 and 3 be directed to release the two increments for the year of 2008-2009 and 2009-2010 and revise the salary and also pensionary benefits and pay the same and also pay the arrears of salary and revised gratuity and leave encashment. He also read-out Para-23 of the Counter Affidavit, wherein, it has been averred, "The contents of para 4.22 of the claim petition as stated are not admitted, hence denied. It is humbly submitted that the petitioner was found guilty of negligent conduct in departmental job proceedings regarding unserialized tickets. This constitutes serious misconduct. The petitioner has not presented any reasonable evidence in his representation that could exonerate him of negligence regarding unserialized tickets." The learned Counsel for the petitioner pointed out that the respondent has miserably failed to explain the specific question that how can the same punishment be awarded for the two joint misconducts, one being major and one being minor and for a

single misconduct of a minor nature. Therefore, this Tribunal must quash the impugned punishment order, as prayed.

10. Learned Counsel for the respondents has drawn the attention of the Tribunal towards Office Order No. 571 (1)/केआर/10 डीपी-भूपाल सिंह अधि०/अनु०/काशी/08-992 dated 30.06.2008, wherein the irregularities proven against the petitioner have been enlisted and emphasized that the charges against the petitioner were very serious and amounted to grave financial irregularities and embezzlement. He also emphasized that the petitioner should be thankful to the respondent Corporation that no criminal case or FIR were lodged before the Police against the petitioner, considering his long services with the respondent Corporation. He also emphasized that if the punishments awarded to the petitioner are further diluted then it would amount to a mockery of the disciplinary proceedings against grave financial irregularities and embezzlement. It is to be kept in mind that the original punishment awarded against the petitioner has already been diluted once before. The impugned Office Order No. 571(1)/ केआर/10 डीपी-भूपाल सिंह अधि०/अनु०/काशी/08-992 dated 30.06.2008 reads as under:-

“इसके अतिरिक्त श्री तेजपाल सिंह, सी०लि० द्वारा दिनांक 26-6-04 को सहायक क्षेत्रीय प्रबन्धक, काशीपुर के सम्मुख बयान दर्ज कराया कि दिनांक 08-01-02 को जब अपनी ड्यूटी में आया तो टी०आर०के० कक्ष की अलमारी से मार्ग पत्र सं०-डीएसए-2232501 से 2232600 कुल 02 पैड (100 मार्गपत्र) कम थे जिन्हें श्री भूपाल सिंह

अधिकारी, बी०सी० द्वारा गायब किये क्योंकि एक चाबी उनके पास रहती थी तथा जब मार्गपत्र के खोने के सम्बन्ध में श्री कमर हुसैन, व०के०प्र० को मौखिक अवगत कराया तो उनके द्वारा कोई कार्यवाही नहीं की गयी लिखित सूचना की मूल प्रति अपने पास रखते हुए जांच करने का आश्वासन दिया। श्री अधिकारी बाबू आये तो बैग सैक्शन को इश्यू 08 पैडों के स्थान पर ओवर राईट कर 10 कर दो कहने पर ऐसा ही किया गया।

प्रकरण में प्रथम दृष्टया दोषी पाते हुए श्री भूपाल सिंह अधिकारी सी०लि० को इस कार्यालय के आरोप पत्र सं०-8510 दिनांक 25-10-04 से श्री वी०पी० जोशी, तत्कालीन स०क्षे०प्र० (वित्त) की रिपोर्ट पत्रांक-2199 दिनांक 27-12-03, श्री राजकुमार, तत्कालीन लेखाकार काशीपुर डिपो के दिनांकित पत्र 15-10-03, श्री ए०के० सैनी, तत्कालीन व०के०प्र०, काशीपुर के दिनांकित पत्र 22-10-03 एवं श्री तेजपाल सिंह, सी०लि० काशीपुर डिपो की सहायक क्षेत्रीय प्रबंधक, काशीपुर डिपो के सम्मुख दिनांक 26-6-04 को दिये गये बयानों की प्रति एवं सहायक क्षेत्री प्रबन्धक, काशीपुर की रिपोर्ट पत्रांक-464 दिनांक 23-7-04 की प्रमाणित छाया प्रतियां आरोप पत्र के साथ संलग्न कर साक्ष्य के रूप में उपलब्ध कराते हुए निम्न प्रकार आरोपित किया गया।

- 1- विभिन्न तिथियों में अपने आवंटित कार्य में गम्भीर रूप से लापरवाही बरतते हुये घोर रूप से भ्रष्टाचार में लिप्त रहते हुये रुपया 22,500/- मूल्य के विभागीय टिकटों में हेरा-फेरी कर विभाग को गंभीर रूप से आर्थिक हानि पहुँचाने के लिये।

2— श्री तेजपाल सिंह, सी०लि०, काशीपुर के साथ आपसी मिली-भगत रखकर विभाग को रुपया 5,18,940/— की भी हानि पहुँचाने के लिये,

3— विभागीय अभिलेखों में हेरा-फेरी कर व निगम हित की पूर्ण उपेक्षा कर विभागीय धनराशि को हड़पने का असफल प्रयास करने।

4— अपने उच्चाधिकारियों/उपाधिकारियों को गुमराह कर विभागीय अभिलेखों को गायब करने का पूर्ण प्रयास में लिप्त रहने के लिये।

5— अपने सहयोगी कार्मिकों को जानबूझकर त्रुटिपूर्ण कार्य करने के लिये बाध्य कर उन्हें त्रुटिपूर्ण रूप से कार्य करने हेतु उकसाना।

6— अपने कर्तव्यों एवं दायित्वों का सही ढंग से निर्वहन न कर व विभागीय नियमों एवं निर्देशों के प्रतिकूल कार्य करने के लिये।

7— कर्मचारी आचरण संहिता एवं सेवा विनियमावली के प्रतिकूल कार्य करने।”

11. After having heard the learned Counsels for the parties and perusal of the record, the Tribunal noticed the following significant points in the instant matter:-

(A). The Tribunal's impugned judgment dated 23.07.2025 reads as under:-

"JUDGMENTDATED : **JULY 23 , 2025**

By means of this petition, the petitioner seeks the following reliefs:

- “(i). To issue appropriate direction directing the respondents No. 2 and 3 to expunge the punishment of stoppage of annual increment for two years with cumulative effect and correct the salary of the petitioner by granting the benefit of withhold two years’ increment and pay the difference with interest or in alternate pass any other order direction which this Hon’ble Court may deem fit and proper under the facts and circumstances stated in the body of the claim petition.
- (ii). To issue any other order or direction which this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. Heard learned Counsel for the parties at the stage of admission.

3. During the course of arguments, learned A.P.O. states that the respondent No. 1 is a formal party in the present claim petition. Learned Counsel for the respondents No. 2 & 3 states that in the present case, the petitioner did not submit any representation regarding the pending grievances of the petitioner and if the petitioner will submit a detailed representation before the concerned respondent, then the concerned respondent shall take a suitable decision on the said representation submitted by the petitioner.

4. After hearing learned Counsel for the parties to some extent, learned Counsel for the petitioner confined his prayer to the extent that he will move a detailed representation to the concerned authority, stating all the relevant facts mentioned in the claim petition, which may kindly be directed to be decided by the concerned respondent within a stipulated time, by a reasoned and speaking order.

5. Learned Counsel for the respondents No. 2 & 3 has no objection to the innocuous prayer made by learned Counsel for the petitioner.

6. In view of the above, the petitioner shall move a detailed representation to the respondents within 15 days and the respondent authorities shall decide the representation of the petitioner by a reasoned and speaking order within two months, from the date of presentation of certified copy of this order alongwith representation. The petitioner, if aggrieved by the decision of the respondent authorities, may approach the Tribunal.

7. Accordingly, the claim petition is disposed of at the stage of admission. No orders as to costs.”

(B). The original prayer of the petitioner in the abovementioned Claim Petition No 50/NB/SB/2025 was meant to **‘expunge the punishment of stoppage of annual increment for two years with cumulative effect and correct the salary of the petitioner by granting the benefit of withhold two years’ increment and pay the difference with interest or in alternate pass any other order direction which this Hon’ble Court may deem fit and proper under the facts and circumstances stated in the body of the claim petition.’** However, during the course of argument the petitioner abandoned this prayer in favour of obtaining the Tribunal’s permission to **‘move a detailed representation to the concerned authority, stating all the relevant facts mentioned in the claim petition, which may kindly be directed to be decided by the concerned respondent within a stipulated time,**

by a reasoned and speaking order.' Now, since the petitioner's representation has been procedurally considered, decided and rejected by the Appropriate Authority of the respondent Corporation as having no substance or logical evidence, the petitioner has again agitated the Tribunal with a new pleading based upon the concept of rationality and proportionality of the punishments, which was never raised earlier.

- (C). The petitioner has admitted himself that 'this is fourth round of litigation earlier the petitioner filed the claim petition no. 09/NB/SB/2017 "Bhupal Singh Adhikari Vs. State of Uttarakhand and others", claim petition no. 38/NB/DB/2020 and claim petition no. 50/NB/SB/2025'. It is manifest that the conduct of the petitioner is like a habitual litigant wherein he is bent upon '**Salami Slicing**' the quantum of punishments awarded to him after a procedurally detailed and correct disciplinary proceeding against his grave financial irregularities and embezzlement. As per the counter affidavit of respondents, the petitioner had committed financial irregularities earlier also in the year 2004, and that he is a habitual offender.

(D). This is the firm resolve of this Tribunal that in this grave matter a criminal proceeding and FIR should have been lodged by the respondent Corporation before the Police, alongside the disciplinary departmental proceeding, which was not done by the respondent having a compassionate and lenient view considering the services of the petitioner. Nevertheless, the petitioner, instead of being pragmatic, has been trying to pretend as if he was found innocent in the disciplinary proceeding and is playing a victim card, showing as if the respondent Corporation is the perpetrator of mental and financial harassment against the petitioner.

Keeping in view all the facts and circumstances of the entire matter against the petitioner, the Tribunal finds absolutely no substance in the instant claim petition which deserves to be dismissed. So far as the petitioner's plea for rationality and proportionality between punishments and his reliance upon the judgments of the Hon'ble Apex Court in the case of **B.C. Chaturvedi Vs. Union of India reported in SCC 1995 (6) page 749** and **State of U.P. Vs. Shiv Shanker Lal Srivastava 2005 (3) SCC 276** are concerned they are not relevant in this instant scenario. The central idea of these judgments is in an absolutely different context.

In view of above, the claim petition is liable to be dismissed.

ORDER

Accordingly, the claim petition is hereby dismissed. No orders as to costs.

(Capt. Alok Shekhar Tiwari)
Member (A)

DATE: 8th OCTOBER, 2026
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