BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN

REVIEW APPLICATION NO. 02/SB/2026
[IN CLAIM PETITION NO. 87/DB/2022]

Sri Arun Kumar Goel, aged about 62 years plus, s/o Late Sri Pooran Mal Goel, r/o Mahadev Vihar, General Mahadev Singh Road, Dehradun, retired as Superintending Engineer from the office of Engineer-in-Chief, P.W.D., Dehradun.

.....Petitioner/review applicant

VERSUS

1. State of Uttarakhand through Secretary, Public Works Department, Government of Uttarakhand, Secretariat, Dehradun.
2. Engineer-in-Chief and Head of Department, Public Works Department, Dehradun, Uttarakhand.

…….Respondents/O.Ps.

Present: Sri Arun Kumar Goel, review applicant .
Sri V.P. Devrani, A.P.O. for the Respondents/ O.Ps.

JUDGMENT

DATED: NOVEMBER 17, 2025

Sri Arun Singh Rawat, Vice Chairman (A)

Present review application has been filed by the review applicant for reviewing judgment & order dated 11.03.2026, passed by the Tribunal in Claim Petition No. 87/DB/2022, Sri Arun Kumar Goel vs. State of Uttarakhand and others. Relevant paragraphs of the judgment dated 11.03.2026, read as under:

> " 8. Sri Arun Kumar Goel, the petitioner in this case presented his case personally and submitted written arguments also. He argued that he was not given the papers he has requested to defend his case and was also not given opportunity to cross-examine the

witness .The tender was invited in the office of the Superintending Engineer, documents were opened in the office of Superintending engineer but he has not verified the documents . He has been wrongly given punishment. The penalty of 'Censure' awarded to him is liable to be expunged. He has relied on the judgement of the **Hon'ble High Court of Uttarakhand at Nainital in WP(S/B) 397of 2014 dated 22.12.2020** in the matter of State of Uttarakhand and others Vs Madan Gopal Pushkarana; **Judgment of Hon'ble High Court of Allahabad in Spl Appeal No 473 (S/B) of 1999 dated 19.11.2002** in the matter of Radhey Kant Khare Vs UP Co-operative Sugar Factories Federation Ltd. to contest the order of punishment dated 08.8.2022 as the disciplinary proceedings suffer from the procedural lacuna.

9. Learned APO argued that the Hon'ble Tribunal did not find any lacuna in the enquiry conducted against the petitioner but set aside the punishment order dated 7.8.2021 on the ground that the Special adverse entry could not have been given by way of punishment. Disciplinary Authority after the order of the Hon'ble Tribunal, awarded the punishment of "Censure" as per Rule 3 of the Uttarakhand Government Servant Discipline and Appeal Rules , 2003 and amended as Rules of 2010 . The petitioner was the convenor of the committee which opened the tender and verified the documents. The tender was related to the division of the petitioner, and it was his duty to scrutinize the documents and place before the committee. The petitioner, along with the other members of the committee, has signed the minutes of the meeting. The petitioner cannot escape from the joint liability. Moreover, the Superintending Engineer, who was in the Committee, has also been penalized by the Disciplinary Authority in this case. The Hon'ble tribunal in the judgment dated 27.5.2022 passed in the claim petition No. 16/SB/2021, has deliberated the facts mentioned in the claim petition, arguments of the petitioner and Counter affidavit filed by the respondents and their arguments. In the concluding part of the para 22 it is mentioned that, the petitioner asserts that the evaluation has been done by the Committee jointly and not by him alone. If the tribunal accepts such submission, even then the petitioner cannot escape from his responsibility on the principle of 'Joint and several liability'. Further the Tribunal has already considered contentions of the petitioner and delivered judgment that the punishment awarded by the Disciplinary authority is not in the category of the punishments as mentioned in the Rule (3) (a) of Uttarakhand Government Servants (Discipline and Appeal) Rules 2003. All the arguments of the petitioner contained in the claim petition have been considered in the aforesaid judgement. In view of the facts mentioned above the claim petition is liable to be dismissed.

10. Based on the arguments of the parties and the documents placed, the tribunal finds that the petitioner was the member of the Technical Committee which scrutinized the documents uploaded by the bidders. The documents related to the 2nd bidder were not properly verified by the Committee although this did not have adverse financial implication but there was negligence on the part of the Committee members. Moreover, the tender was in relation to the

work of the Temporary Division , Berinag of which the petitioner was Executive Engineer , he was convener of the Committee (as per Govt. order 2611/III(2)/07-75(General) /2000 dated 26.10.2007 in para 4.2 (b)) and was supposed to verify the documents and place before Committee. The Superintending Engineer, who was In-charge of the 3rd Circle Pithoragarh and in whose office the tenders were opened, has mentioned in the Office Memorandum dated 19.9.2012 that Executive Engineer Temporary Division Berinag has properly examined the documents and placed before committee and the committee found the technical bids correct. However the Superintending Engineer has submitted in his explanation dated 3.5.2017 that detailed verification of the documents of the bidder was not carried out. It is clear that the technical bids were not properly scrutinized.

11. The Disciplinary proceedings against the petitioner was conducted as per the procedure laid down in the Uttaranchal Government Servants (Discipline and Appeal) Rules 2003 as amended in 2010 but the punishment awarded was not as per the categories of punishment as laid down in the Rule 3 of Disciplinary and Appeal Rules 2003 and the Tribunal vide judgement dated 27.05.2022 set aside the punishment order dated 07.08.2020 and the order dated 27.01.2021. However, the procedure followed in conducting the enquiry was in the line of the judgement of the Hon'ble High Court of Uttarakhand at Nainital in WP(S/B) 397of 2014 dated 22.12.2020 in the matter of State of Uttarakhand and others Vs Madan Gopal Pushkarana and Judgment of Hon'ble High court of Allahabad in Spl Appeal No 473 (S/B) of 1999 dated 19.11.2002 in the matter of Radhey Kant Khare Vs Co-operative Sugar Factories Federation Ltd., which the petitioner has relied upon to contest his case. The respondents issued punishment order dated 8.8.2022 after the earlier punishment order dated 07.08.2020 was set aside by this Tribunal and awarded penalty of Censure.

12. The petitioner has also argued that the punishment given to him was beyond the scope of the charge- sheet given to him and the charge against him was also not proved. The enquiry officer has mentioned that there was certainly negligence in scrutiny of the documents and which has been submitted by the S.E. in his explanation also, and the Superintending Engineer has also been penalized by the department in this case for his act of omission. So, the petitioner can also not escape from the 'joint responsibility.

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

2. The review applicant contends that the judgment and order dated 11.03.2026 failed to consider the findings recorded in paragraph 18 of the earlier judgment dated 27.05.2022 in Claim Petition No. 16/SB/2021 regarding violation of Rule 7 of the Uttarakhand Government Servant (Discipline and Appeal) Rules, 2003. It is submitted that the earlier judgment had permitted the respondents to proceed afresh in

accordance with law, which required the disciplinary proceedings to be initiated afresh from the stage of issuance of the charge-sheet, following the prescribed procedure and principles of natural justice.

2.1 The applicant further alleged that the judgment dated 11.03.2026 did not consider the relevant judgments of the Hon'ble Supreme Court and High Court concerning specific charges, supply of relied-upon documents, opportunity to cross-examine witnesses, fair inquiry and impartiality of the inquiry officer. It is also contended that the Government Order dated 26.10.2007, on the basis of which the applicant was held responsible as convener, related to the physical tendering system and not e-tendering. Further, the relevant provisions regarding verification of registration certificates were not contained in the said order, nor was a clear copy supplied to the applicant along with the charge-sheet or proved during the inquiry. Accordingly, the applicant seeks review of the judgment and order dated 11.03.2026.

3. Ld. A.P.O. filed objection to the review application submitting therein that there is no error apparent on the face of the record. Moreover, there is no other sufficient cause/reason and ground to review the judgment order dated 11-03-2026. Hence, the captioned review petition has no legal substance as such and is liable to be dismissed.

4. Review applicant has filed reply to the objection filed by Ld. A.P.O. on behalf of respondents.

5. Heard submissions of Sri Arun Kumar Goel, review applicant and Ld. A.P.O. appearing on behalf of opposite parties/ respondents.

6. The review applicant has submitted that the Tribunal did not consider the findings of this Tribunal in the previous claim petition No. 16/SB/2021 filed by the petitioner, while deciding the claim petition. He has further submitted some of the judgements which he submitted at the time of the hearing, have not been considered by the Tribunal in deciding the claim petition.

7. There is very limited scope of review. Review application may be entertained when the review applicant is able to show that there is

error apparent on the face of record. While going through the judgment under review, the Tribunal finds that there is no error on the face of it. Further, review application may also be entertained when there is clerical or arithmetical mistake, which is also not so in the instant case. Review application may also be allowed 'for any other sufficient reason'. But there is no other sufficient reason to indicate that the order sought to be recalled should be recalled/ reviewed in the interest of justice.

8. We have gone through the review application, objections filed by the respondents as well as the judgment delivered by the Tribunal in Claim petition No. 87/DB/2022, and found that the judgement of the Tribunal is within the ambit of the judgements which the petitioner filed in his support and rest of the judgements filed by the petitioner are not related to the subject matter of the case. There is no mistake or error apparent on the face of record. Hence, the review application is devoid of merit and the same is hereby dismissed.

(RAJENDRA SINGH)
ACTING CHAIRMAN

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

DATE: NOVEMBER 17, 2026
DEHRADUN
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