SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPSB/15/2024 Atul Semwal --Petitioner **Versus** State Of Uttarakhand & Others --Respondents With **WPSB/384/2024** **Hon'ble Manoj Kumar Tiwari, J.** **Hon'ble Pankaj Purohit, J.** Mr. Abhijay Negi, Advocate, for the petitioner. Mr. G.S. Negi, Additional CSC, for the State. (2) Since issue involved in both the writ petitions is identical, these are being heard and decided by this common order. However, for brevity, facts of Writ Petition (S/B) No. 15/2024 alone are being considered and discussed here. (3) A minor penalty of censure was imposed upon petitioner and he was also directed to refund a sum of ₹7,000 to the Education Department. Petitioner challenged the said order in a Claim Petition; his Claim Petition was allowed and Division Bench of this Court affirmed the judgment rendered by Tribunal in a Writ Petition, filed by the State. However, the time for passing fresh order was extended by another six weeks. Disciplinary Authority thereafter passed another order on 6.9.2023, which is under challenge in this Writ Petition. (4) Learned State Counsel is right in submitting that since petitioner is a public

servant and he has statutory remedy available under Public Services (Tribunals) Act, 1976 and in the earlier round of litigation, petitioner had in fact approached the Tribunal and this time, for some reasons best known to petitioner, he directly approached this Court. He submits that Writ Petition would not be maintainable for the aforesaid reasons and petitioner should be relegated to Tribunal.

(5) We, accordingly, dismiss the Writ Petitions on the ground of alternate remedy. However, since Writ Petitions were filed in 2024 and pleadings have been exchanged, we, therefore, transfer the record of the Writ Petitions to the Tribunal with a request to treat the same as Claim Petitions and decide these at an early date. Registry to transmit the record after replacing the same by photocopy thereof, to be supplied by Counsel for the petitioner.

(Pankaj Purohit, J.) **(Manoj Kumar Tiwari, J.)**

16.7.2026

Pr

PRABODH KUMAR
