

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

CLAIM PETITION NO. 189/SB/2023

Vinod Lal, s/o Shri Matbar Lal, aged 40 years, serving as Additional Sub Inspector,
Kotwali, Srinagar, District Pauri Garhwal.

.....Petitioner

vs.

1. The State of Uttarakhand through Secretary, (Home), Civil Secretariat,
Subhash Road, Dehradun.
2. The Director General of Police, Uttarakhand, Police Headquarter 12
Subhash Road, Dehradun
3. Dy. Inspector General of Police, Garhwal Range, Nardev Shastri Marg,
Dehradun.
4. The Senior Superintendent of Police, Dehradun, Race Course Road,
District Dehradun.

.....Respondents.

Present: Sri Uttam Singh.(online) & Sri S.K.Jain , Advocates,
for the Petitioner
Sri V.P.Devrani, A.P.O., for the Respondents.

JUDGMENT

DATED: NOVEMBER 22, 2023

Justice U.C.Dhyani (Oral)

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

- “i) To quash the order dated 4.08.2014 vide which the Senior Superintendent of Police, Dehradun awarded punishment of ‘Censure’ and

order dated 23.08.2015 vide which the appellate authority has rejected the appeal and confirmed the punishment order (Annexures No.: A-1 & A-2).

- ii) To pass any other suitable order, which the Hon'ble Tribunal may deem fit and proper on the basis of facts and circumstances of the case.
- iii) Award the cost of the petition to the petitioner.”

[Emphasis supplied]

2. It is pointed out that, earlier, the petitioner had filed writ petition before Hon'ble High Court of Uttarakhand being WPSS No.1952 of 2022, in which the Hon'ble Court was pleased to pass the following order on 03.11.2022:

“.....In sequel to the order dated 17.10.2022, learned Standing Counsel has produced in Court the letter issued by Deputy Inspector of Police (Personnel) on 01.11.2022.

Perusal of the said letter reveals that Senior Superintendent of Police, Pauri Garhwal has sanctioned the benefit of 2nd ACP to the petitioner from due date i.e. 28.04.2020, along with arrears.

In such view of the matter, the writ petition is disposed of by taking the written instruction issued by Deputy Inspector General, Garhwal. In case, grievance of petitioner still survives, he shall be at liberty to make representation before the Competent Authority.”

3. Present claim petition has been filed by the petitioner for setting aside the order of ‘Censure’, which has been affirmed by the appellate authority.

4. As of now, Ld. Counsel for the petitioner seeks liberty to the petitioner to file statutory revision against the impugned order, before the Competent Authority, as per law. Ld. A.P.O. has no objection to such innocuous prayer, but, has submitted that the revision would be time barred in view of Rule 23 of the Uttar Pradesh Police Officers of Subordinate Ranks (Punishment and Appeal) Rules, 1991. In reply, Ld. Counsel for the petitioner submitted that petitioner was over busy in official work, therefore, could not avail the statutory remedy of revision on time. Hence, the delay may be condoned.

5. Since Ld. Counsel for the petitioner has only prayed for liberty to the petitioner to file revision against the impugned punishment order awarded to the petitioner, as affirmed by the appellate authority, therefore, the Tribunal

is of the view that such liberty should be granted after condoning the delay in filing such revision, purely in the interest of justice.

6. The claim petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties, by giving liberty to the petitioner to file statutory revision against the impugned punishment order awarded to the petitioner, as affirmed by the appellate authority, before the Competent Authority, within a reasonable time. Delay in filing the revision is condoned, considering the peculiar facts of the case and purely in the interest of justice. No order as to costs.

7. Rival Contentions are left open.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: NOVEMBER 22, 2023.
DEHRADUN

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