BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL AT DEHRADUN

CLAIM PETITION NO. 22/SB/2026

Sri Ankush Kumar, aged about 35 years, s/o Sri Jodh Singh, r/o Village Delna Jhabreda, Roorkee, District-Haridwar. 4703, Uttarakhand (Civilian Police)

…….Petitioner

VS.

1. The State of Uttarakhand through Secretary, Home, Secretariat, Dehradun.
2. Inspector General of Police, Uttarakhand, Dehradun.
3. Commandant, India Reserve Battalion 2nd, Dehradun.

…….Respondents.

Present: Sri Nikhilesh Nabiyal & Sri Manoj Singh Bisht, Advocates, for the petitioner. (online)
Sri V.P.Devrani, A.P.O., for the Respondents.

JUDGMENT

DATED: JANUARY 23 ,2026

Justice U.C.Dhyani (Oral)

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

> *"I. To quash and set aside Appeal Order No. D.G.(A) 27/2025 dated 24.10.2025 and consequently to quash the order dated 11.11.2024 in PF-01/2023 issued by the Respondent No. 3 against the petitioner.*
>
> *II. To direct the Respondents to reimburse the cost of the present claim petition.*
>
> *III. To give any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case*."

2. The claim petition is supported by the affidavit of petitioner. Relevant documents have been filed along with the claim petition.

3. Petitioner was dismissed from service by the Commandant, India Reserve Battalion 2nd, *vide* order dated 11.11.2024 (Annexure: 2). Petitioner/appellant preferred departmental appeal before the appellate authority/ Inspector General of Police, PAC, Uttarakhand against the order of the disciplinary authority, which appeal was dismissed by the appellate authority *vide* order dated 24.10.2025 (Annexure: 1).

4. Sri Manoj Singh Bisht, Ld. Counsel for the petitioner submitted that the petitioner wants to file revision against the impugned orders, therefore, the matter be relegated to the revisional authority for deciding the revision, as per law.

5. Ld. A.P.O. submitted that the petitioner is entitled to file statutory revision against the impugned orders. He has no objection to such innocuous prayer, if the matter is relegated to the revisional authority, who is next in rank above by which the appeal has been rejected, to decide the revision of the petitioner, in accordance with law.

6. Rule 23 of the Uttar Pradesh Police Officers of Subordinate Ranks (Punishment and Appeal) Rules, 1991, as applicable to State of Uttarakhand, reads as below:

> "**23. Revision**-(1) An officer whose appeal has rejected by any authority subordinate to the Government is entitled to submit an application for revision to the authority next in rank above by which his appeal has been rejected within the period of three months from the date rejection of appeal . on such an application the power of revision may be exercised only when in consequent of flagrant irregularity , there appears to have been material injustice or miscarriage of justice.
>
> ……..
>
> ……..
>
> (2) ……..
>
> *[Emphasis supplied]*

7. In this context, it will also be useful to reproduce order dated 24.12.2021 passed by Hon'ble High Court in WPSS No. 1451 of 2021, hereinbelow for convenience:

> "As would be apparent from the scrutinization of the impugned orders, which are challenged by the petitioner in the present writ petition.

> The order of punishment has been imposed upon the petitioner by the respondents authority, while exercising their powers under Uttar Pradesh Police Officers of Subordinate Rank, Rules, 1991, which has been made applicable, even after the enforcement of the Uttarakhand Police Act, 2007.
>
> As a consequence of the set of allegations of misconduct levelled against the petitioner, by virtue of the impugned order, which has been passed while exercising the powers under Section 23 (1) (d) of the Uttarakhand Police Act, 2007, the petitioner was placed under the lowest in the cadre for a period of one year. As against the principal order of punishment passed by the Deputy Inspector General of Police, on 20.02.2021, the petitioner preferred an appeal under the Rules of 1991, which too has been dismissed.
>
> **Under the Rules of 1991, if any person is aggrieved by an appellate order, imposing the punishment for the misconduct, provided under the Rules, a provision of revision has been contemplated under Rule 23 of the Rules**.
>
> Hence, this writ petition is dismissed with the liberty left open for the petitioner to approach before the next superior authority, to the appellate authority to file a revision under Rule 23 of the Rules of 1991."
>
> [*Emphasis supplied*]

8. Similar observation has been given by the Hon'ble Court in other cases also.

9. 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 as provided under Rule 23 of the Uttar Pradesh Police Officers of Subordinate Ranks (Punishment and Appeal) Rules, 1991. In case the remedy of statutory revision is availed by the petitioner, with promptitude, then the same may be decided by the competent authority, as expeditiously as possible, in accordance with law.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JANUARY 23, 2026.
DEHRADUN

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