

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

Present: Hon'ble Mr. Rajendra Singh

----- Acting Chairman

Hon'ble Mr. Arun Singh Rawat

-----Vice Chairman (A)

CLAIM PETITION NO.136/SB/2024

Sri Jugnue Dhiman, Constable No. 236, Armed Police, Uttarakhand Police Line, Dehradun.

.....Petitioner

WITH

CLAIM PETITION NO.137/SB/2024

Sri Chote Lal, Constable No. 264 Armed Police, Uttarakhand Police, at present Constable No. 15 Armed Police, Thana G.R.P. Laksar, Haridwar.

.....Petitioner

vs.

1. State of Uttarakhand through Secretary Home, Govt. of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Inspector General of Police, Uttarakhand, Garhwal Range, Dehradun, Uttarakhand.
3. Senior Superintendent of Police, District Pauri Garhwal, Uttarakhand.

.....Respondents

Present: Sri L.K.Maithani, Advocate, for the petitioner.

Sri V.P. Devrani, A.P.O. for the State Respondents.

JUDGMENT

DATED: AUGUST 07 , 2026.

Sri Arun Singh Rawat, Vice Chairman (A)

Since the facts of the above noted claim petitions are almost the same, and the prayer sought in both the petitions is also the same as

punishment awarded in both the cases relates to the same incident, therefore, they are being disposed of by a common judgment and order for the sake of convenience. However, for the sake of brevity, facts of Claim Petition No. 136/SB/2025 alone are being mentioned.

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

“i. To quash the impugned punishment order dated 24.08.2023 (Annexure No. A-1) passed by the respondent no.3 and impugned appellate order dated 27.05.2024 (Annexure No. A-2) passed by the respondent no.2 with its effects and operation and with all consequential benefits.

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

iii. Award the cost of the petition to the petitioner.”

3. The facts of the claim petition can be summarized as follows:

3.1 The petitioner is serving as a Constable in the Uttarakhand Police and is presently posted at Police Line, Dehradun. He was issued a show cause notice dated 02.01.2023 alleging that, during security duty at the native village of the Hon'ble Chief Minister of Uttar Pradesh, he and other police personnel left their assigned guard post on the night of 19.04.2022 without informing or obtaining permission from higher authorities. The incident was treated as gross negligence and indiscipline, and after considering petitioner's reply, the disciplinary authority imposed the punishment of a censure entry for the year 2023 vide order dated 24.08.2023. The petitioner's departmental appeal was also dismissed by the appellate authority on 27.05.2024.

3.2 The petitioner contended that the allegations against him are false and he never left his duty. He submitted that the preliminary inquiry was conducted in a casual and unfair manner, as relevant witnesses were not properly examined and the inquiry officer failed to verify the correctness of the statements relied upon. According to the petitioner, in the statement of Constable Krishna Chandra Ramola, specifically petitioner's name has not been mentioned. Constable Krishna Chandra Ramola and other constables stated that they had moved only on the directions of the Guard Commander.

Being members of a disciplined force, they were bound to obey the Guard Commander's instructions. The petitioner further asserted that the punishment order is a non-speaking order, as it does not record proper reasons for holding him guilty.

3.3 The petitioner further contended that the Guard Commander, Head Constable Rakesh Shah, and Constable Chote Lal were also proceeded against for the same incident. However, the appeal of Guard Commander Rakesh Shah was allowed by the appellate authority on 13.10.2023 after it was found that the preliminary inquiry had been conducted in a superficial and unfair manner. The appellate authority observed that only interested witnesses were examined, independent witnesses were not considered, and the statements of the personnel were not properly recorded. It also noted that the inquiry officer had reached findings without properly appreciating the evidence on record. Despite recording these findings regarding the defective inquiry, the appellate authority rejected the petitioner's appeal without extending him the same benefit, although the allegations against him were related to the very same incident. According to the petitioner, such unequal treatment is arbitrary and unjustified.

3.4 The petitioner submitted that the punishment is disproportionate, arbitrary, and contrary to the principles of natural justice as well as Articles 14 and 16 of the Constitution of India.

4. Petition has been contested on behalf of respondents. Sri Trivendra Singh Rana, Dy. S.P., Sadar Pauri, District Pauri Garhwal, has filed C.A. on behalf of Respondents No 2 & 3.

5. It is submitted in the C.A. filed on behalf of respondents that the petitioner, Constable No. 236 Civil Police, Jugnu Dhiman, was posted at the Reserve Police Lines, Pauri, in 2022. He was deployed on a highly important and sensitive guard duty from 11.02.2022 at Village Panchur, Tehsil Yamkeshwar, District Pauri Garhwal, for the security of the family members of the Hon'ble Chief Minister of Uttar Pradesh, Shri Yogi Adityanath, at his ancestral village. (Copy of order dated 11.02.2022 : Annexure A-1 to the C.A.).

5.1 According to the respondents, on the night of 19.04.2022, between 10:30 p.m. and 11:00 p.m., the petitioner, along with other police personnel, left the guard post without informing or obtaining permission from his superior officers. This was treated as a serious act of negligence and indiscipline. A preliminary inquiry and departmental proceedings were initiated under the Uttarakhand (U.P.) Subordinate Police Officers (Punishment and Appeal) Rules, 1991. The Inquiry Officer, after examining the statements of all personnel on duty, found that the petitioner and three other officials had left the sensitive guard post during the relevant time. (The inquiry report dated 10.11.2022: Annexure A-2 to the C.A.)

5.2 Thereafter, the petitioner was issued a show-cause notice dated 02.01.2023 under Rule 14(2), giving him an opportunity to explain his conduct (Annexure A-3 to C.A.). The petitioner submitted his reply on 25.01.2023 (Annexure A-4 to C.A.). After considering the inquiry report and the petitioner's reply, the authority concluded that the charge of leaving the highly sensitive guard duty without permission was found to be duly proved.

5.3 Accordingly, the competent disciplinary authority imposed the minor punishment of Censure Entry vide order dated 24.08.2023 (Annexure A-5 to C.A.). The petitioner's departmental appeal was dismissed by Respondent No. 2 on 27.05.2024 (Annexure A-6 to C.A.) as being without merit. The respondents contend that the departmental proceedings were conducted in accordance with law, that no procedural or legal irregularity occurred, and therefore the punishment order and the appellate order are valid, and the present claim petition is liable to be dismissed

6. We have heard the arguments of the Learned Counsel for the petitioner, Learned APO and perused the documents carefully, placed before the Tribunal.

7. It is submitted by Ld. Counsel for the petitioner that petitioner along with Constable Chote Lal were awarded punishment of censure entry vide order dated 24.08.2023 by the disciplinary authority. Their departmental

appeal was also dismissed by the appellate authority vide order dated 27.05.2024.

7.1 Ld. Counsel for the petitioner further submitted that the Constable Jugnue Dhiman, Constable Chote Lal along with Guard Commander, Head Constable Rakesh Shah, were co-delinquent in this case and have been awarded same punishment of 'censure' by the disciplinary authority. But the appellate authority changed the decision in the case of Guard Commander, Head Constable Rakesh Shah and exonerated him from the charges levelled against him by allowing his appeal citing the reason that the preliminary inquiry had been conducted in a superficial and unfair manner while the appellate authority dismissed the departmental appeal of Constable Jugnue Dhiman and Constable Chote Lal, which is wrong and against the principle of equality.

7.2 Ld. Counsel for the petitioner submitted that it is a well-settled principle of service law that where the charges of misconduct are identical in nature and arise out of the same set of facts and circumstances, the punishment imposed upon the delinquent employees should also be similar. Ld. Counsel for the petitioner has relied upon the decision of Hon'ble Apex Court in Civil Appeal No. 1334 of 2013 (arising out of SLP (Civil) No. 2070 of 2012, Rajendra Yadav vs. State of M.P. and others. In the said decision Hon'ble Court has observed that, *the Doctrine of Equality applies even in disciplinary matters. If employees are found guilty in the same incident and their role is similar, they should normally receive similar punishment. The disciplinary authority cannot give a lighter punishment to one employee and a much harsher punishment to another without a valid reason, as such unequal treatment is not permissible.*

Hon'ble Court has further observed that *in this case, both the appellant and Arjun Pathak were involved in the same incident. However, Arjun Pathak was given a lighter punishment and was later reinstated, while the appellant was dismissed from service. The Court held this to be*

discriminatory, set aside the appellant's dismissal, and directed that he be reinstated from the same date as Arjun Pathak with all consequential benefits.

7.3 Ld. Counsel for the petitioner has also relied upon the decision of Hon'ble Apex Court in *Tata Engineering and Locomotive Co. Limited vs. Jitendra Prasad Singh, 2001 10 SCC 530*, in which decision Hon'ble Supreme Court has observed as under:

"Since as many as three workmen on almost identical charges were found guilty of misconduct in connection with the same incident, though in separate proceedings, and one was punished with only one month's suspension, and the other was ultimately reinstated in view of the findings recorded by the Labour Court and affirmed by the High Court and the Supreme Court, it would be denial of justice to the appellant if he alone is singled out for punishment by way of dismissal from service".

8. Ld. A.P.O. submitted that the Appellate Authority, while exercising its discretion, is empowered to reduce or enhance the punishment awarded by the subordinate authority in accordance with the applicable rules, on the basis of the substantial grounds raised in the appeal and the documentary evidence placed on record.

9. Constable Jugnue Dhiman, Constable Chote Lal along with Guard Commander, Head Constable Rakesh Shah, were co-delinquent in this case and all of them were awarded same punishment of 'censure' by the disciplinary authority. But the appellate authority exonerated Guard Commander, Head Constable Rakesh Shah from the charges levelled against him by allowing his appeal but the punishment awarded to Constable Jugnue Dhiman and Constable Chote Lal was upheld by the appellate authority and their appeal was dismissed.

9.1 Considering the facts of the case and submissions made by Ld. Counsel for the parties, the Tribunal is of the considered view that the doctrine of equality applies to all who are equally placed. The Tribunal observes that when the petitioner and the other co-delinquents were proceeded against on the basis of the same incident and were initially awarded the same punishment, there was no justifiable reason for the

appellate authority to exonerate one co-delinquent while affirming the punishment imposed upon the petitioner without recording any distinguishing feature in respect of his role or misconduct.

9.2 Accordingly, the claim petition is liable to be allowed. The impugned punishment order dated 24.08.2023 (Annexure: A-1) and appellate order dated 27.05.2024 (Annexure: A-2), are liable to set aside.

ORDER

The claim petition is allowed. Impugned punishment order dated 24.08.2023 (Annexure: A-1) and appellate order dated 27.05.2024 (Annexure: A-2) are hereby set aside. No order as to costs.

Let copy of this judgment be placed on the file of Claim Petition No. 137/SB/2024 Chote Lal vs. State and others

(RAJENDRA SINGH)
ACTING CHAIRMAN

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

DATE: AUGUST 07, 2026.
DEHRADUN

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