

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL  
BENCH AT NAINITAL**

Present: Hon'ble Mr. Capt. Alok Shekhar Tiwari

----- Member (A)

WRIT PETITION NO. 1912 (S/S) OF 2020  
[RECLASSIFIED AND RENUMBERED AS CLAIM PETITION NO.  
42/NB/SB/2025]

Constable 68 A.P. Dalip Singh (Male), aged about 33 years, S/o Shri Ratan Singh, Reserve Police Line-Bageshwar, District-Bageshwar, (Uttarakhand).

.....Petitioner

**VERSUS**

1. State of Uttarakhand, through Secretary, Home, Dehradun.
2. Director General of Police, Uttarakhand, Dehradun.
3. Inspector General of Police, Garhwal Range, Uttarakhand.
4. Incharge Additional Director General of Police (Administration)
5. Senior Superintendent of Police Chamoli Uttarakhand.

.....Respondents

Present : Sri Harendra Belwal, Advocate for the petitioner  
Sri Kishore Kumar, Ld. Assistant Presenting  
Officer for the respondents

**JUDGMENT**

**DATED: AUGUST 12<sup>th</sup>, 2026**

By means of this petition, the petitioner seeks the following reliefs:-

- “i)** Issue a writ, order or Rule in the nature of certiorari calling for the record and quashing the impugned orders dated 29-01-2018; passed by Superintendent of Police, Chamoli, order dated 14-01-2019; passed by the appellate authority; Inspector General of Police, Garhwal Range and order dated 08-10-2020; passed by revisional authority; Incharge, Additional Director General of Police (Administration) Dehradun, whereby the punishment order dated 29-01-2018 was confirmed.
- ii)** Issue a writ, order or direction in the nature of mandamus directing the respondents to provide the same pay scale which the petitioner was getting on the date of order or in normal circumstances, passed by respondent no.5.
- iii)** Issue any other suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.
- iv)** Award the cost of the writ petition in favour of the petitioner.”

2. In brief, the facts of the case are that:-

2.1. By means the first writ petition, the petitioner has sought a writ in the nature of certiorari quashing the orders dated 29-01-2018 passed by Superintendent of

Police, Chamoli and order dated 14-01-2019 passed by the Inspector General of Police, Gharwal Range as well as the order dated 14-06-2019 passed by the Deputy Inspector General of Police (Personal) Dehradun, whereby the punishment order dated 29-01-2018 was confirmed. Further a writ of mandamus has been sought for a direction to the respondents to provide the same pay scale, which was getting by him on the date of order passed by the respondent no. 5.

- 2.2. Among other discrepancies the main cracks was; the respondent denied the statutory provision of revision, under departmental proceedings, provided in Rule 20 of Uttarakhand Police Act, 2007.
- 2.3. The first writ petition of the petitioner was disposed of by this Hon'ble Court on 05-08-2020 quashed and set-aside order dated 14-06-2019, with direction to Respondents/competent authority to pass a fresh order on the revision of the petitioner as per Rules.
- 2.4. In compliance of the order dated 05-08-2020, of this Hon'ble Court the petitioner has filed an application accordingly on 08-09-2020.
- 2.5. The revision of the petitioner was dismissed by the Acting Additional Director General of Police

(Administration) on 08-10-2020, without applying his judicious mind, only on the basis of implausible hypothesis.

2.6. By means of this present writ petition the petitioner is seeking writ of certiorari calling for the record and quashing the impugned orders dated 29-01-2018; passed by Superintendent of Police, Chamoli, order dated 14-01-2019; passed by the appellate authority; Inspector General of Police, Garhwal Range and order dated 08-10-2020; passed by revisional authority; Incharge, Additional Director General of Police (Administration) Dehradun, whereby the punishment order dated 29-01-2018 was confirmed.

2.7. When the petitioner was posted as Constable in Armed Police in District Chamoli, on 19-12-2017 a show-cause notice was served upon the petitioner stating therein; that in the year 2015; when the petitioner was posted in SOG on 04-11-2015; by Constable 105/186 CP Rahul Negi for the purpose of search taken a bag in his position at Gwaldam within limits of Police Station Tharali; from Jeep bearing no. U.K.-11-TA-1416 he went to Karnprayag. Neither he gave any information to his higher officers nor any receipt was given to the

owner of the bag. Then on information petitioner directed one public person Dhanraj @ Dhannu to talk with the Constable Rahul Negi and then Constable Rahul Negi handed over the bag to Dhannu @ Dhanraj.

2.8. On 11-01-2018 the petitioner has submitted his reply to the show-cause notice dated 19-12-2017 in this way that on the date of incident i.e. 04.11.2015 the petitioner was not in SOG. The petitioner only joined SOG on 06.11.2015. After joining the SOG on 06.11.2015 the petitioner has given the information about the incident to his higher officer; In-charge SOG SI Shri Suresh Kumar through his mobile phone bearing no. 7895820707 to verify the truth the call detail could be taken. Further, the petitioner submitted that he does not know what was inside the bag, even the victim said that at the time when the bag was lifted the petitioner was not present at the spot, and the petitioner has helped her only on request of her maternal uncle being a police **personal**; the petitioner has no any knowledge what is contained in the bag.

2.9. Vide order पत्रांक ज-107/15 दिनांकित नवम्बर 2015 the Superintendent of Police District Chamoli directed for preliminary enquiry and a preliminary enquiry was

conducted by Shri G.B. Pandey, Circle Officer/Karnprayag; during the course of the enquiry; the Circle Officer/Karnprayag recorded statements of 9 persons alongwith petitioner and const. Rahul Negi. The enquiry officer CO Karnprayag has submitted his report on 04-02-2016. It is very important to mention here that the order for enquiry; issued by the competent officer, Superintendent of Police, District Chamoli is issued only against the Constable Rahul Negi.

- 2.10. After completion the enquiry/investigation the departmental proceedings was started and the proceedings were handed over to Deputy Superintendent of Police Karnprayag, District Chamoli.
- 2.11. During the course of the departmental proceedings 7 witness;- PW1 Shrimati Bishmati Devi (Victim/reporter) PW2 Devi Dutt (the car driver-cum owner, which was used by Cons. Rahul Negi in commission of crime) PW3 Nain Singh (driver of the vehicle UK-11-TA-1416 from where the bag was snatched) PW4 Shri Madan Singh (Maternal uncle of victim) PW5 Shri Dharmbeer Singh (Shopkeeper where the bag was hold by Dhan Singh Rawat @ Dhannu) PW6 Dhan Singh Rawat @ Dhannu (who had the bag given by the Cons. Rahul

Negi) and PW7 Sub Inspector, Civil Police, Devraj Sharma (then SO Tharali) were examined.

- 2.12. On perusal of the statements of witness and all the documents in support of the impugned order substantiate all incidents is moving around the Constable Rahul Negi, not the petitioner. Though the impugned order passed against the petitioner is manifest error. It is submitted that the allegation and charge levelled against the petitioner are baseless, based upon hypothesis; and the order passed; by the Presiding Officer on 15.12.2017 is on inconclusive evidence.
- 2.13. On perusal of the whole evidence in toto not a whisper against the petitioner; even the victim stated that the petitioner has done a good job; due to his efforts her bag got back, thus the matter would resolved in first instance.
- 2.14. The inquiry officer concluded his inquiry and submitted his findings on 15-12-2017 and recommended the punishment for putting the petitioner on lowest pay scale for three years.

- 2.15. The recommendation of punishment is against the settled principle of law, the Enquiry Officer can only give findings on merit can not recommend any sort of punishment; if punishment is recommended it would vitiate the whole departmental proceedings.
- 2.16. On the basis of the null finding submitted by the Deputy Superintendent of Police Karnprayag, District Chamoli, the Superintendent of Police District Chamoli passed the punishment order on 29-01-2018 exactly as the Enquiry Officer recommended the punishment for putting the petitioner on lowest pay scale for three years.
- 2.17. Being aggrieved by the order dated-29-01-2018 the petitioner filed an appeal before the Inspector General of Police Garhwal Range, stating all true facts.
- 2.18. The Appellate Authority vide order dated 14-01-2019 dismissed the appeal of the petitioner without analyzing the evidence to find-out whether it is cogent and credible. False implication is the foundation of the case; every witness deposed categorically that the petitioner was not involved in taking the bag of the victim; only Cons. Rahul Negi was involved in the case.

- 2.19. Being aggrieved by the order dated-14-01-2019 the petitioner filed a revision on 10-04-2019 before the Director General of Police stating the facts as well as the legal submissions and latter on in compliance of this Hon'ble Court on 08.09.2020.
- 2.20. On the direction of this Hon'ble Court dated 05-08-2020; revisional authority heard the revision and dismissed the revision of the petitioner without considering the evidence and applying his judicial mind.
- 2.21. The respondent no. 5 passed the impugned order on the basis of the preliminary inquiry and no final inquiry was conducted, thus the respondent no. 5 has not adopted the proper procedure of disciplinary proceedings, therefore, the impugned order is liable to be set aside.
- 2.22. In view of the facts and circumstances stated above, it is expedient in the interest of justice that this Hon'ble Court may graciously be pleased to quash the impugned orders dated 29-01-2018; passed by Superintendent of Police, Chamoli, order dated 14-01-2019; passed by the appellate authority; Inspector General of Police, Garhwal Range and order dated 08-10-2020; passed by revisional authority; Acting

Additional Director General of Police (Administration)  
Dehradun, whereby the punishment order dated 29-01-2018 was confirmed, otherwise the petitioner shall suffer irreparable loss and injury.

3. On 19.05.2021, counter affidavit has been filed on behalf of the respondent No. 5 by Sri Sushil Ch. Vashistha, Standing Counsel, Government of Uttarakhand, in which it has been stated that the contents of paras 1, 2, 3, 4, 6, 7, 8 and 9, 11, 12, 13 to 15, 18, 19, 20 and 21, the respondent No. 5 has denied the reply the contents of the writ petition. In reply to the contents of para 5 of the writ petition it is submitted that the petitioner filed the application dated 08.09.2020 before the Senior Superintendent of Police, Bageshwar. The contents of para 10 of the writ petition stated in the manner are not admitted hence denied. It is submitted that the Deputy Superintendent of Police in his inquiry report dated 04.02.2016 categorically stated that Constable Rahul Negi and Constable Dalip Singh (Petitioner) has neither informed the concerned police station nor their higher officers about the entire case, both these Constables was not afraid of departmental discipline nor did they take care of the dignity of the

police department, during inquiry both the constables were found guilty of serious misconduct, and sent the inquiry report to Superintendent of Police, Chamoli on which order dated 29.01.2018 was passed by the Superintendent of Police, Chamoli stating that the accused Constable Dalip Singh was find guilty in the departmental proceedings and as per the Rule 04 (1) part A of Sub part (3) of Uttarakhand (Uttar Pradesh Subordinate Police Officers Punishment and Appeal) Rules, 1991 (Adaptation and Modification order-2002) was punished and repatriated for 3 years from the present salary level to the minimum salary level of the Constable, this order will be valid from the date of execution, if the accused constable is already repatriated, then after the completion of the earlier period, this period of punishment will start. The contents of para 16 of the writ petition stated in the manner are not admitted hence denied. It is submitted that from the perusal of the inquiry report it reveals that the Inquiry Officer has not given the recommendation of punishment, the recommendation was given by the Presiding Officer/Deputy Superintendent of Police, Karanprayag. The Investigating Officer was Deputy

Superintendent of Police, Karanprayag, but the Presiding Officer was Mr. Mithilesh Singh Deputy Superintendent of Police, Karanprayag both are different persons. The contents of para 19 of the writ petition as stated in the manner are not admitted. The detailed reply has already been given in para 11 of the instant counter affidavit. The contents of para 22 and 23 of the writ petition stated in the manner are not admitted. The impugned order dated 29.01.2018 passed by the answering respondent is just and proper and the same has been passed after adopting the due process of law. It is further submitted that in compliance of this Hon'ble Court order dated 05.08.2020 the competent authority passed the order dated 08.10.2020 and dismissed the revision of petitioner as per law. The contents of para 24 and 25 of the writ petition are not admitted as stated. Detailed reply has already been given in the preceding paragraphs of this counter affidavit. In view of the above facts and circumstances of the case, the writ petition of the petitioner is devoid of merit and same is liable to be dismissed.

4. Rejoinder affidavit has also been filed reiterating the facts mentioned in the present writ (claim) petition.

5. On 12.08.2021, Supplementary Counter Affidavit has also been filed on behalf of the respondent No. 5 by Sri Sushil Ch. Vashistha, Standing Counsel, Government of Uttarakhand, in which it has been stated that the contents of paragraph no. 4 of Rejoinder Affidavit stated in the manner are not admitted hence denied. It is submitted that the Deputy Superintendent of Police in his preliminary inquiry report, dated 04-02-2016 has said that Constable Rahul Negi and Constable Dalip Singh (petitioner) has not given information to the higher officers nor their concerned police station regarding the whole matter, which has disregarded their discipline and has damaged the dignity of the Police Department and they are guilty of this fault and this investigation report has been sent by the Deputy Superintendent of Police, Chamoli to Superintendent of Police Chamoli, As a result, the order has been received by the Superintendent of Police, Chamoli on 29-01-2018, in which the accused Const. Dalip Singh was found guilty and punished as per the departmental proceedings Rule 4 (1) Part- (a) Sub-part.-3 Uttarakhand (U.P.) Subordinate Police Officers (Punishment and Appeal) Rules, 1991 Adaptation and

Modification Order-2002, under which Constable was reverted to the minimum pay level for 03 years and this order is effected from its issuance and if the accused is already repatriated, then this period will start after the completion of this period, whereas in the same case Superintendent of Police, Chamoli in his order dated 29-01-2018 the accused Constable Rahul Negi found guilty in departmental proceedings, as per the Rule 4 (1) Part-(a) Sub-part.-3 of Uttarakhand (U.P.) Subordinate Police Officer (Punishment and Appeal) Rules, 1991 Adaptation and Modification Order-2002 and punished by repatriation for 03 years at the minimum pay level of Constable. This order will be valid from the date of issuance of the order, if the accused is already repatriated, then after the completion of said period, the period of this punishment will start. It is clearly mentioned in para 03 of page number 58 of the writ petition that Constable Dalip Singh, who was on duty for peace and order in the Gairsain Assembly session on 04-11-2015, was well aware of this matter and the petitioner asked the Rahul Negi to take possession of the woman's bag and contact Dhan Singh alias Dhannu, who is a merchant of Yartsa Gunu

(कीड़ा जड़ी). It is also necessary to mention here that Rahul Negi also reached Gwaldam on that date leaving his duty in the Gairsain Assembly session without any information. In the whole case, there seems to be a well thought out strategy of the above two Constables and it also appears that both the Constables must have been involved with the smugglers, who are doing illegal trading of Yartsa Gunu (कीड़ा जड़ी) and on this basis both the accused were punished. The contents of paragraph no. 7 of Rejoinder Affidavit stated in the manner are not admitted hence denied the suitable reply has already been given in preceding paragraphs of this affidavit.

6. At the outset only, it is apparent that this claim petition had been filed originally before the Hon'ble High Court of Uttarakhand at Nainital as Writ Petition No. 1912 (S/S) of 2020, which was relegated by the Hon'ble High Court to this Tribunal vide its order dated 04.06.2025, and the same is being adjudicated by this Tribunal in the same form, treating it as a claim petition. Therefore, the prayers put forward by the petitioner in the original writ petition, have been adjudicated upon by this Tribunal considering it as a claim petition only,

notwithstanding the original prayers for issue of a writ, order or direction in the nature of certiorari/mandamus etc., which are beyond the jurisdiction of this Tribunal. For this clerical mistake, the claim petition is not being dismissed.

7. I have heard learned Counsels for the parties and perused the record carefully.
8. Learned Counsel for the petitioner drew attention of the Tribunal towards **Annexure No. 1** of the petition, wherein Hon'ble High Court of Uttarakhand at Nainital vide its order dated 20.05.2020 had quashed and set-aside the impugned order dated 14.06.2019, and direction had been issued to the respondents/competent authority to pass a fresh order on the revision of the petitioner on merit. The learned Counsel for the petitioner emphasized that disciplinary proceedings under question have not followed the stipulated procedure as prescribed in the **THE UTTAR PRADESH POLICE OFFICERS OF THE SUBORDINATE RANKS (PUNISHMENT AND APPEAL) RULES, 1991**, particularly the Rule-4 (iii), Rule-5 and Rule-14 (1) as also the Appendix-I, thus

vitiating the entire proceedings. Learned Counsel for the petitioner has relied upon Civil Appeal No. 353 of 1957 Khem Chand Versus vs. Union of India and others decided on 13.12.1957 & Civil Appeal No. 645 of 1962 Union of India Versus H. C. Goel decided on 30.08.1963 in support of his arguments.

9. Learned A.P.O. argued that the averments as submitted in the C.A./W.S. only are his arguments.
10. While perusing the records of this instant matter, it is manifest at the outset only that various directions issued time and again by the Hon'ble Apex Court regarding the conduct of disciplinary proceedings and subsequent punishments have not been followed in this case. So far as taking cognizance of the indiscipline committed by the petitioner, and submission of the preliminary inquiry report (Annexure No. 6) is concerned, there is no deviation from the standard practice of conducting the departmental enquiry, however, there is a gross violation of Hon'ble Apex Court's directions in the detailed enquiry report dated 15.12.2017 as

submitted by Sri Mithilesh Singh, Presiding Officer/ Dy. S.P. Karnprayag, wherein the Enquiry Officer has submitted a detailed report (Annexure No. 7), but has recommended a categorically severe punishment from his own side to the Punishing Authority as follows:-

“आरोपी कानि० 105/186 राहुल नेगी व कानि० 154 दलीप सिंह द्वारा किया गया उक्त कृत्य पुलिस विभाग की छवि को धूमिल करने के साथ ही उक्त आरक्षियों का अपने कर्तव्यों के प्रति घोर लापरवाही, अनुशासनहीनता एवं स्वैच्छाचारिता को परिलक्षित करता है। अतः उक्त आरक्षियों द्वारा किये गये कृत्य के लिये निम्न प्रकार से दण्ड प्रस्तावित किया जाता है।

उत्तर प्रदेश, उत्तराखण्ड, अधीनस्थ श्रेणी पुलिस अधिकारी/कर्मचारी की (दण्ड एवं अपील) नियमावली 1991 अनुकूलन एवं उपान्तरण आदेश 2002 के नियम 4 (1) (क) (तीन) के अन्तर्गत पंक्तिच्युत करना “जिसके अन्तर्गत तीन वर्ष हेतु न्यूनतम वेतनमान पर किये जाने” की संस्तुति की जाती है।

यह आदेश पुलिस अधीक्षक महोदय चमोली के आदेश दिनांक से प्रभावी होगा।

आख्या सादर सेवा में प्रेषित है।

संलग्नक :- 1- पत्रावली-पी0एफ0-01/2016 क्रमांक 01 से 162 तक।  
2- पत्रावली प्रारम्भिक जांच क्रमांक 01 से 43 तक।

पत्रांक:- सीओ-जांच/2017

दिनांक :- दिसम्बर 15, 2017

ह0/-  
मिथिलेश सिंह  
पीठासीन अधिकारी/पुलिस  
उपाधीक्ष कर्णप्रयाग  
जनपद चमोली।”

11. The anomaly does not stop here, but is overtly visible in the show-cause notice dated 19.12.2017 also (Annexure No. 4), wherein the Punishing Authority (Respondent No. 5) has copied and pasted the same recommended punishment as follows:-

“2- उपरोक्त प्रकरण में प्रारम्भिक जाँच पूर्ण होने पर उत्तरांचल (उ0प्र0) अधीनस्थ श्रेणी के पुलिस अधिकारियों की (दण्ड एवं अपील) नियमावली-1991 (अनुकूलन एवं उपान्तरण) आदेश-2002 के नियम 14 (1) के अन्तर्गत आपके विरुद्ध विभागीय कार्यवाही प्रस्तावित करते हुए श्री जगदीश चन्द्र यादव पुलिस उपाधीक्षक एवं उनके सेवानिवृत्त होने पर पुलिस उपाधीक्षक श्री धनीराम को आवंटित की गई थी तथा श्री धनीराम पुलिस उपाधीक्षक के भी सेवानिवृत्त होने के

उपरान्त उक्त प्रकरण कार्यवाही दिनांक 11-05-2017 को पुलिस उपाधीक्षक कर्णप्रयाग श्री मिथिलेश सिंह को आवंटित की गई, जिनके द्वारा समस्त कार्यवाही सम्पन्न कर विभागीय कार्यवाही में निष्कर्ष प्रस्तुत किया है जिसमें आपके इस प्रकार के कृत्य से पुलिस विभाग की छवि धूमिल होने तथा अपने कर्तव्य के प्रति घोर लापरवाही, अनुशासनहीनता एवं स्वेच्छाचारिता का दोषी पाते हुए आपको 03 वर्ष के लिये आरक्षी के न्यूनतम वेतन पर प्रत्यावर्तित किये जाने का दण्ड प्रस्तावित किया गया है। क्षेत्राधिकारी कर्णप्रयाग द्वारा प्रस्तुत निष्कर्ष एवं विभागीय कार्यवाही की पत्रावली पर उपलब्ध अभिलेखों का गहराई से परीक्षण करने पर मैं क्षेत्राधिकारी कर्णप्रयाग द्वारा निष्कर्ष में प्रस्तावित दण्ड से सहमत हूँ, तथा निष्कर्ष की प्रति इस कारण बताओ नोटिस के साथ संलग्न कर आपको निर्गत करती हूँ।

अतः आप इस कारण बताओ नोटिस प्राप्ति के 15 दिवस के अन्दर अपना स्पष्टीकरण प्रस्तुत करें कि क्यों न आपको आपके द्वारा अपने कर्तव्य के प्रति बरती गयी घोर लापरवाही, अनुशासनहीनता, अकर्मण्यता एवं स्वेच्छाचारिता के लिए उत्तरांचल (उ0प्र0) अधीनस्थ श्रेणी के पुलिस अधिकारियों की (दण्ड एवं अपील) नियमावली-1991 (अनुकूलन एवं उपान्तरण)

आदेश-2002 के नियम 14 (1) खण्ड (क) के उपखण्ड (तीन) अन्तर्गत 03 वर्ष के लिये आरक्षी के न्यूनतम वेतन पर प्रत्यावर्तित कर दिया जाये। आपको यह भी स्पष्ट किया जाता है कि नियत अवधि के अन्तर्गत आपका स्पष्टीकरण प्राप्त होने पर उस पर सहानुभूतिपूर्वक विचार करने के पश्चात् ही अग्रिम आदेश पारित किये जाएंगे। यदि आपका स्पष्टीकरण निर्धारित अवधि में प्राप्त नहीं होता है तो आपके स्पष्टीकरण के अभाव में एक पक्षीय निर्णय लेते हुये आदेश पारित कर दिये जायेंगे। आपको यह भी स्पष्ट किया जाता है कि यदि आप सम्बन्धित पत्रावली का अवलोकन करना चाहते हैं तो किसी भी कार्यालय दिवस में निर्धारित अवधि के अन्दर पत्रावली का अवलोकन कर सकते हैं।

संलग्न : निष्कर्ष-19 वर्क

पत्रांक: पीएफ-1/2016

दिनांक : दिसम्बर 19, 2017

ह0/—  
पुलिस अधीक्षक  
चमोली

12. Further, the same non-application of mind is manifest in the punishment order dated 29.01.2018 (Annexure No. 8) also as follows:-

"2— पीठासीन अधिकारी द्वारा सम्पूर्ण कार्यवाही सम्पन्न करके दिनांक 15-12-2017 का निष्कर्ष प्रस्तुत

किया, जिसमें आरोपी कानि० को उक्त प्रकरण में दोषी पाते हुये उत्तराखण्ड (उ०प्र०) अधीनस्थ श्रेणी के पुलिस अधिकारियों की (दण्ड एवं अपील) नियमावली-1991 (अनुकूलन एवं उपान्तरण) आदेश-2002 के नियम 14 (1) खण्ड (क) के उपखण्ड (तीन) के अन्तर्गत 03 वर्ष हेतु कानि० के न्यूनतम वेतन स्तर पर प्रत्यावर्तित करने का दण्ड प्रस्तावित किया गया। मेरे द्वारा पत्रावली पर उपलब्ध अभिलेखों का परीक्षण करने पर निष्कर्ष से प्रस्तावित दण्ड से सहमत होकर आरोपी कान्स० 154 ना०पु० अब 192 ना०पु० दलीप सिंह को कारण बताओ नोटिस संख्या पीएफ-1/2017 दिनांक 19.12.2017 के द्वारा प्रतिसार निरीक्षक के माध्यम से निष्कर्ष निर्गत किया गया जो आरोपी कानि० द्वारा दिनांक 29.12.2017 को प्राप्त किया गया। कारण बताओ नोटिस में अपना स्पष्टीकरण प्रस्तुत करने हेतु 15 दिवस का समय दिया गया था।

3— निष्कर्ष में प्रस्तावित दण्ड के बल से आरोपी कान्स० 154 ना०पु० (अब 192 स०पु०) दलीप सिंह, का स्पष्टीकरण दिनांकित 11.01.2018 को प्रस्तुत किया गया। प्रस्तुत स्पष्टीकरण एवं प्रकरण से सम्बन्धित पत्रावली, उपलब्ध अभिलेख, गवाहों के बयान तथा साक्ष्यों का गहनता से अवलोकन एवं मनन किया गया,

तो आरोपी कान्स० को स्पष्टीकरण सन्तोषजनक नहीं पाया गया।

अतः उपरोक्तानुसार 154 (192 स०पु०) ना०पु० दलीप सिंह, को इस विभागीय कार्यवाही में दोषी पाते हुये उत्तराखण्ड (उ०प्र०) अधीनस्थ श्रेणी के पुलिस अधिकारियों की (दण्ड एवं अपील) नियमावली-1991 (अनुकूलन एवं उपान्तरण) आदेश-2002 के नियम 14 (1) खण्ड (क) के उपखण्ड (तीन) के अन्तर्गत वर्तमान वेतन स्तर से कानि० के न्यूनतम वेतन स्तर पर 03 वर्ष हतु प्रत्यावर्तित कर दण्डित किया जाता है यह आदेश, आदेश नियत होने की तिथि से मान्य होगा। यदि आरोपी कानि० पूर्व से प्रत्यावर्तित चल रहा हो तो पूर्व अवधि के पूर्ण होने के पश्चात् यह दण्ड की अवधि आरम्भ होगी।

पत्रांक : पीएफ-1/2016

दिनांक: जनवरी 29, 2018

ह०/—  
पुलिस अधीक्षक,  
चमोली।”

13. It seems that the Punishing Authority has not bothered to go into the depth of the inquiry report and has blindfoldedly accepted the enquiry report dated 15.12.2017 as the gospel truth and

consequently has not applied her mind or conscience about the quantum of punishment, meaning thereby that it is the Enquiry Officer only who has conducted the entire departmental proceeding by finalizing the major punishment by his enquiry report. This is not acceptable as per the established law. Therefore, the entire disciplinary proceeding is vitiated because of this blunder, in the eyes of law.

14. At the outset only, the learned A.P.O. had raised the issue of hearing of this matter by Single Bench, whereas the matter had been registered originally by the Registry office as a Division Bench matter. Therefore, in his opinion the matter should be heard by Division Bench only.

The Tribunal has referred the “Schedule” of the “**The U.P. Public Services (Tribunal), Act, 1976**”, wherein, all the matters to be heard by Division Bench have been enlisted. Subject matter of this claim petition does not fall under the categories enlisted in the aforesaid Schedule, and hence this instant matter is being heard by this

Single Bench itself and decided accordingly. The Registry office is directed to register this claim petition as a Single Bench matter. As such the instant matter is not being finally decided on its merit, right now, rather only an interim order is being passed.

15. The Tribunal is not deciding this case on merit as of now; instead the respondents are directed to take cognizance of the impugned inquiry report dated 15.12.2017 afresh, (without getting influenced by the recommended punishment) and to proceed afresh with the disciplinary proceeding through proper application of mind and discretion, and to complete the same, as per the established law.

### **ORDER**

Accordingly, the claim petition is partly allowed. The impugned orders dated 29-01-2018 passed by Superintendent of Police, Chamoli, order dated 14-01-2019 passed by the appellate authority Inspector General of Police, Garhwal Range, and order dated 08-10-2020 passed by revisional authority

Incharge Additional Director General of Police (Administration) Dehradun, whereby the punishment order dated 29-01-2018 was confirmed, are hereby quashed. The respondents are directed to take cognizance of the impugned inquiry report dated 15.12.2017 afresh, (without getting influenced by the recommended punishment) and to proceed afresh with the disciplinary proceeding based upon merit of the case through proper application of mind and discretion, and to complete the same, as per the established law. No order as to costs.

**(Capt. Alok Shekhar Tiwari)**  
Member (A)

*DATE:* August 12<sup>th</sup>, 2026

*NAINITAL*

*BK*