

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

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

----- Member (A)

**Claim Petition No. 04/T/NB/SB/2026**

Kundan Agri, Constable 2642, 46<sup>th</sup> Battalion, PAC Task Force,  
Rudrapur, Udham Singh Nagar, Uttarakhand.

.....**Petitioner**

Versus

1. State of Uttarakhand, Through Home Secretary
2. Inspector General of Police, PAC, Dehradun
3. Deputy Inspector General of Police, PAC, Haridwar
4. Commandant, 46<sup>th</sup> Battalion, PAC, Rudrapur, Udham Singh Nagar, Uttarakhand.

.....**Respondents**

Present : Ms. Chetna Latwal, Advocate for the petitioner  
Sri Kishore Kumar, A.P.O. for the respondents

**JUDGMENT**

**DATED : 13<sup>th</sup> AUGUST, 2026**

This claim petition has been filed seeking the following  
reliefs:-

- “a. To overturn the impugned order dated 08.04.2025, issued by the Respondent No. 2, the order dated 03.11.2021 issued by the Respondent No. 3 and consequently to quash the order dated 22.06.2021, issued by the Respondent No. 4 against the petitioner.

- b. To direct the Respondents to reimburse the cost of the present claim petition.
- c. To give any other relief which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case."

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

2.1. The present claim petition has been filed against order dated 08.04.2025, bearing no. **DG-5(A) PAC-06/2025 (Revision)** issued by the Respondent 2. Previously, on basis of the investigation report (ज-02/2021) submitted by Assistant Commandant PAC, Rudrapur, Udham Singh Nagar, Uttarakhand, Respondent no. 4 had issued the order dated 22.06.2021 letter no. द-15/2021. Against the said order the petitioner filed an appeal before Respondent no. 3, which was too rejected by Respondent no. 3 by order dated 03.11.2021 letter no. DIG-PAC-200(10)/2021 and upheld the order passed by Respondent no. 4.

2.2. The petitioner is currently posted as Constable 2642, 46<sup>th</sup> Battalion P.A.C Task Force, Rudrapur, Udham Singh Nagar, Uttarakhand.

2.3. On the night approximately around 09:20 PM of 30.12.2020 an argument broke out between Constable 2567 Manoj Kumar and Constable 2969 Manoj Chandola, where the two were heard abusing each other, and disturbing the peace, which was heard by the Platoon Commander (Prabhari Dalnayak) Shri

Jyoti Kumar, hereinafter referred to as PC. On the orders of the PC Jyoti Kumar, Manoj Kumar and Manoj Chandola were restrained. Medical examination of both Manoj Kumar and Manoj Chandola was ordered by the Prabhari Dalnayak.

2.4. As per the statements recorded the undisputed facts are that Constable Manoj Kumar was accompanied by Head Constable Shri Dinanath Tiwari from the barracks to the DI vehicle and Constable Manoj Chandola was accompanied by the Petitioner (Constable 2642), Constable 2215 Rajendra Singh Rana (Statement No. 3), Constable 2843 Mohan Nath (Statement No. 4) And Lance Naik Bhupesh Martolia (Statement No. 5) outside the barrack and onto a vehicle D.I. U.K. 08 GA 012 driven by Constable Cleaner Tarun Kholia, Parivahan Shakha, 46th Battalion P.A.C. Task force, Rudrapur, (Statement No. 2). Wherein Tarun Kholia was seated at the driver's seat. The back seats in the D.I. vehicles are similar to benches and placed sideways/parallel, opposite to each other. In the vehicle Manoj Chandola was seated outward and next to him Rajendra Rana and thereafter Mohan Nath were seated. On the opposite bench Bhupesh Martolia and the petitioner were seated. The petitioner was seated inner side of the vehicle. Lance Naik Bhupesh Martolia was seated directly opposite to Constable Manoj Chandola.

2.5. After Constable Manoj Chandola was seated in the DI vehicle, the Vehicle was reversed and parked in the direction of medical center and the petitioner and the others waiting for further

instructions. Meanwhile people standing outside the vehicle started instigating Constable Manoj Chandola to flee. As a result Manoj Chandola got off from the vehicle and went behind the barracks.

2.6. After Constable Manoj Chandola had fled the scene, the petitioner, Constable Rajendra Singh Rana, Constable Mohan Nath and Lance Naik Bhupesh Martolia searched for Constable Manoj Chandola, but were unable to find him. Thereafter the four returned to the barracks and Rajendra Rana, Mohan Nath and Bhupesh Martolia, as per their own statements, reported back to the Unit camp office.

2.7. As per the statements, in the camp office the written statements were taken from Rajendra Rana, Mohan Nath and Bhupesh Martolia. The petitioner was not asked to give a statement. Furthermore, the statements of Mohan Nath, Bhupesh Martolia and Rajendra Rana were taken in the residential tent of the PC and not in the Company Office, without even informing the petitioner.

2.8. The petitioner came to know from Lance Naik Bhupesh Martolia that he is being falsely implicated for instigating Manoj Chandola to flee. Lance Naik Bhupesh Martolia also informed petitioner that Constable Mohan Nath, Lance Naik Bhupesh Martolia and Constable Rajendra Rana under pressure of the Platoon Commander (PC), in their statements stated that the petitioner instigated Manoj Chandola to flee from the vehicle.

2.9. The petitioner was in shock for such proceedings against him, went directly to the Platoon Commander (PC) to explain about the incident but the PC bluntly refused the petitioner to be heard.

2.10. Based on the accusations made by the P.C. against the petitioner and the prompted statements of Mohan Nath, Bhupesh Martolia and Rajendra Rana, influenced by the PC, a complaint was made to the Commandant (Senanayak), hereinafter referred to as "C.O." by the P.C. over the phone. As a result an internal investigation was initiated and was carried out by Chandra Singh Bisht Assistant Commandant (Sahayak Senanayak), 46<sup>th</sup> Battalion P.A.C. Task Force, Rudrapur, Udham Singh Nagar, Uttarakhand hereinafter referred to as the "Investigating Officer".

2.11. After the investigation based on the statements of the petitioner and other personnel, the petitioner was found guilty of instigating Constable Manoj Chandola by shouting to him "they will get your medical done, Run away from here" and "You should run away" by the investigating officer. Based on which forms the basis of the impugned order dated 22.06.2021.

2.12. The entire case made out against the petitioner is based on conspiracy hatched out by the P.C. with Constable Rajendra Rana, Constable Mohan Nath and Lance Naik Bhupesh Martolia against the petitioner. The entire Guard, i.e. a unit comprising of four constables and a head constable, in the present case, Rajendra Rana, Mohan Nath, Bhupesh Martolia and the

petitioner were entrusted with restraining and medical of Constable Manoj Chandola. However, when Constable Manoj Chandola was being taken for medical from the DI vehicle, he (Constable Manoj Chandola) fled the vehicle, petitioner was made scapegoat for the incident. The facts and the statements on the basis of which the impugned order dated 22.06.2021 have been made in a premeditated and rehearsed manner in order to shift the blame solely to the petitioner alone. The facts stated in the statements are illogical and inconceivable, and have been made in unison, subject to a conspiracy to implicate the petitioner alone.

2.13. In the statements repeatedly it has been stated that the petitioner pushed Constable Manoj Chandola and told him to run away. It is an admitted fact that the petitioner was sitting opposite to the Constable Rajendra Rana and diagonally opposite to Constable Manoj Chandola. As the D.I. is a broad vehicle, in order to push Constable Manoj Chandola, the petitioner would need to get up from his seat and only then would he be able to push Constable Manoj Chandola. It would be physically impossible to push a person sitting diagonally opposite without getting up from one's seat. However, in none of the statements is it mentioned that the petitioner got up from his seat to push Constable Manoj Chandola from the vehicles.

2.14. A bare perusal of the statements made by Constable Rajendra Rana, Constable Mohan Nath and Lance Naik Bhupesh Martolia reveal that the statements are identical to each other and

prima facie appear pre-planned and rehearsed. The statements are made in the same sequence and the facts and details are exactly the same, i.e. no additional detail with respect to the entire event has been stated by either person. It is highly unlikely that three different persons would remember an event exactly similarly and would narrate the event exactly similarly without even a minute difference in the sequence or a detail. It is therefore evident that the statement made by the three is rehearsed.

2.15. The conspiracy against the petitioner is most evident by the statement made by the PC Shri Jyoti Kumar (Statement No. 11). The statement made by the PC is utterly inexplicable and cannot be reasonably justified. As per the statement made by Shri Jyoti Kumar, at the time of the incident, i.e. when Constable Manoj Chandola fled, Jyoti Kumar was standing at some distance from the guard and was on call with the Commandant (Senanayak), hereinafter referred to as "C.O." informing him of the disturbance at the barracks. As per Jyoti Kumar, when Constable Manoj Chandola fled, while he was on call with the Senanayak, he immediately informed the Senanayak that the petitioner herein had put Constable Manoj Chandola to flight. As per his own submissions, he was standing at a distance from the Vehicle D.I. UK08GA012, where Constable Manoj Chandola was seated. As per the statement of Constable Cleaner Tarun Kholia, Parivahan Shakha, 46<sup>th</sup> Battalion PAC Task Force Rudrapur, Udham Singh Nagar, Uttarakhand (Statement No. 2) who was driving the above stated vehicle, did not heard the petitioner shouting at Constable

Manoj Chandola to flee, as he was reversing the vehicle. If, Tarun Kholia who was sitting inside the same vehicle, driving the vehicle, did not heard the petitioner shouting and telling Constable Manoj Chandola to flee, it is highly improbable that the Prabhari Dalnayak, who as per his own statement was standing at a distance from the vehicle, would have heard the petitioner shouting and instigating Constable Manoj Chandola to flee. Furthermore, as the Prabhari Dalnayak was standing at a distance from the vehicle, he was not privy to what actually transpired inside the vehicle. The Prabhari Dalnayak, in his statement has not stated that how he had learnt that the petitioner pushed Constable Manoj Chandola and instigated him to flee. For him to immediately inform the Senanayak that the petitioner instigated Constable Manoj Chandola to flee, without hearing anything, going towards the vehicle or speaking to the other personnel inside the vehicle, clearly reveals that the statements made by the Prabhari Dalnayak and others were premeditated and rehearsed.

2.16. Furthermore, the conspiracy by the P.C. is evident from the fact that in his statement the P.C. has stressed upon the fact that only the petitioner was in charge to take Constable Manoj Chandola for the medical examination. As per the statements made by Rajendra Rana, Mohan Nath and Bhupesh Martolia, the P.C. had appointed the guard, to take Manoj Chandola for the medical. Furthermore, the fact is also inconsistent with the statements of the other members of the guard, which state that Rajendra Rana was sitting next to Constable Manoj Chandola.

The insistence of the P.C. to name the petitioner alone for taking Constable Manoj Chandola, clearly reveals that the P.C. wishes to falsely implicate the petitioner alone.

2.17. It further begs to be stated that if the guard was responsible for restraining Constable Manoj Chandola, why the other three personnel were not held responsible for Constable Manoj Chandola fleeing. As per the statements, when the petitioner allegedly pushed Manoj Chandola and told him to run away, the other members of the guard, did not opposed the petitioner or apprehensively held onto Manoj Chandola. No statement has been made with respect to the precautionary actions taken by the other members of the guard when the petitioner instigated and pushed Constable Manoj Chandola to flee. Therefore, the other members of the guard were also equally responsible for the actions of Constable Manoj Chandola, however action has only been taken against the petitioner.

2.18. The statements made to the investigating officer were premeditated and rehearsed is also evident from the statement made by Constable 2925 Rohit Kumar, Major Munshi, 46th Battalion PAC Task Force Rudrapur, (Statement No. 6) wherein stated that after Manoj Chandola was restrained and taken outside the barracks, there was a commotion outside and heard that the petitioner has made Constable Manoj Chandola to fled and at that time he was standing at the door. When further pried by the investigating officer Constable Rohit Kumar reveals that the facts

stated by him were hearsay and that he himself did not witness the alleged act of the petitioner. That the investigation shows that persons who were not privy to the incident, were readily willing to give statements, without any caveats, that the petitioner had instigated Manoj Chandola to flee.

2.19. The entirety of the event, i.e. restraining Constable Manoj Chandola and taking him for medical through the vehicle was recorded by the P.C. on his mobile phone. The recording was never revealed to the investigating officer nor was it made part of the investigation, which further confirms the apprehension that there exists a conspiracy against the petitioner. That irrespective of the reasons provided by the petitioner in his reply, the Respondent No. 4 issued the impugned order dated 22.06.2021, finding the petitioner guilty in the departmental inquiry.

2.20. Against the order dated 22.06.2021 issued by the Respondent no. 4, the petitioner filed an appeal before the Respondent No. 3 under section 26 of the Uttarakhand Police Act, 2007.

2.21. The respondent no. 3, vide his order dated 03.11.2021, rejected the appeal of the petitioner and confirmed the order dated 22.06.2021 of the Respondent No. 4, without applying any judicial mind and considering the facts of the matter. The impugned order dated 03.11.2021 merely reiterates the statements made during the investigation.

2.22. Due to the order dated 22.06.2021 and 03.11.2021, due to the instance of the misconduct, the petitioner has been removed from contention for promotion for a period of five years. The other batch mates of the petitioner have received their promotions and the consequent financial benefits vide list dated 28.11.2022. However, the promotion of the petitioner has been jeopardized due to the above stated impugned orders.

2.23. Against the impugned orders the claimant filed a claim petition before this Hon'ble Tribunal on 09.07.2024, bearing claim petition no. 63/SB/2024, Kundan Agri Vs State of Uttarakhand. The petition was disposed off by this Hon'ble Tribunal vide its order dated 12.07.2024, permitting the petitioner herein to file a Revision U/s 23 of the Uttar Pradesh Police Officers of Subordinate Ranks (Punishment and Appeal) Rules, 1991, as applicable to the State of Uttarakhand, before the next superior authority to the appellate authority.

2.24. In pursuance of the order dated 12.07.2024, the petitioner preferred a revision before Inspector General of Police, PAC, Uttarakhand bearing Revision No. DG-5(A) PAC-06/2025 (Revision). The Ld. Authority vide its order dated 08.04.2025 bearing order no. DG-5(A) PAC-06/2025 (Revision) dismissed the revision of the petitioner.

3. Counter affidavit has been filed on behalf of the respondent No. 4 (Commandant, 46<sup>th</sup> Battalion, PAC, Rudrapur, Udham Singh Nagar, Uttarakhand) by Sri Kishore Kumar, learned

Assistant Presenting Officer, Uttarakhand Public Services Tribunal, Nainital Bench, Nainital, stating therein that:-

3.1. The deponent is presently posted as Deputy Commandant, 46<sup>th</sup> Bn. P.A.C. Rudrapur, District Udham Singh Nagar and the deponent has been authorized by respondent no. 4 to file this written statement/counter affidavit and the deponent fully read and understood the petition and filing the same on the following facts.

3.2. All the paragraphs made in the petition are not admitted and only those paragraphs are admitted, which are based on records.

3.3. The contents of para no. 4 (d) of the claim petition as stated are not admitted, hence denied. In reply it is submitted that during the preliminary investigation, the statements of Head Constable Dinanath Tiwari, Lt. Col. Bhupesh Martolia, Constable Rajendra Rana, Constable Mohan Nath and the petitioner, who were posted in the guard and were sitting in the DI vehicle number UK 08 A012, which was then scheduled for medical examination, were recorded. However, apart from the petitioner, no statement was given by any guard regarding the instigation of the people standing outside the vehicle. Furthermore, the above mentioned guards recorded statements regarding the petitioner's pushing of Constable Manoj Chandola from the vehicle, calling him "Run away, you bastard." This act of the petitioner, while in the disciplined police force shows indiscipline and arbitrariness.

3.4. The contents of para no. 4 (f) of the claim petition as stated are not admitted, hence denied. In reply it is submitted that the record does not contain any facts regarding recording the statements of Constable Rajendra Rana, Constable Mohan Nath, and Lt. Gen. Bhupesh Martolia, who were posted in the Guard at the Camp Office (Residential Tent of PC).

3.5. The contents of para no. 4 (g) of the claim petition as stated are not admitted, hence denied. In reply it is submitted that in the investigation by the inquiry officer, written statements of the employee posted in the guard including Lt. Lance Naik Bhupesh Martolia, Constable Rajendra Rana, Constable Mohan Nath have been recorded in which the fact of recording the statements under any pressure has not come to light. Even in the statement No. 1 recorded by the investigation officer, the statement made in para under reply has not been recorded by the petitioner. The paragraph is based upon false and fabricated facts.

3.6. The contents of para no. 4(h) of the claim petition as stated are not admitted, hence denied. In reply it is submitted that the petitioner's statements made by petitioner in para no. 4(h) were not recorded in Statement No. 1 of the investigation conducted by the Investigating Officer. Item 4(h) is a fabrication by the petitioner and bears no relation to reality.

3.7. The contents of para no. 4 (i) of the claim petition as stated are not admitted, hence denied. In reply it is submitted that in pursuance of incident occurred on 30.12.2020 as also in

pursuance of oral order of respondent no. 4 dated 31.12.2020, the Assistant Commandant reached Police Line Dehradun on the same day and after investigating the case, he personally appeared before the Director General of Police, Uttarakhand and gave information about the actual situation. In the present matter, the Director General of Police, Uttarakhand suspended the petitioner and directed for investigation of the case. The respondent no. 4, vide order no. 03/2021 dated 04.01.2021, suspended the petitioner and directed Shri Chandra Singh Bisht, Assistant Commandant to conduct the preliminary investigation of the case.

3.8. The contents of para no. 4 (k) of the claim petition as stated are not admitted, hence denied. In reply it is submitted that two preliminary inquiries were conducted in the case that occurred on 30.12.2020. In the inquiry conducted in the case of Constable 2969 Manoj Chandola escaping from guard custody, the inquiry officer found all the employees posted in the medical guard guilty in the preliminary inquiry and recommended that they be punished with the punishment of ardali room. In the inquiry conducted in the case of Constable Manoj Chandola being escaping away by the petitioner, the inquiry officer found the petitioner guilty of escaping him away by saying "He will get your medical done", "You run away from here" and "Go away you bastard".

3.9. The contents of para no. 4(l) of the claim petition as stated are not admitted, hence denied. In reply it is submitted that as stated by the petitioner in para no. 4(c), "The rear seats in the

DI vehicle are bench-like and are placed opposite/parallel to each other. Shri Manoj Chandola was seated on the outside of the vehicle, followed by Rajendra Rana and Mohan Nath. Bhupesh Martolia was seated on the front bench, and the petitioner was seated on the inside of the vehicle." It is noteworthy that the DI vehicle designated for medical examination at that time, number UK 08 A012, was approximately 5.9 feet wide, with approximately 1.5 feet of seat space on each side facing each other. The seating arrangement was such that there was approximately 2.5 feet of space between the two seats. A person of average stature could push the vehicle forward without getting up from the seat, as such the averment made by the petitioner in paragraph under reply are false and baseless.

3.10. The contents of para no. 4 (m) of the claim petition as stated are not admitted, hence denied. In reply it is submitted that Constable Rajendra Rana, Constable Mohan Nath, Lt.G. Bhupesh Martolia, posted in the medical guard and the petitioner were sitting together in the rear of the DI vehicle. The eye witnesses to the incident have recorded what they saw and heard in their statements. Constable Rajendra Rana, Constable Mohan Nath, and Lance Naik Bhupesh Martolia, posted in the medical guard, have recorded their statements regarding the incident in statements Nos. 3, 4 and 5, describing the position of their individual seats and the position of the petitioner's seat in the DI vehicle.

3.11. The contents of para no. 4 (n) of the claim petition as stated are not admitted, hence denied. In reply it is submitted that since the petitioner has arbitrarily interpreted incident, it is noteworthy that on the night of 30.12.2020, at approximately 21:30 pm, Constable Manoj Kumar and Manoj Chandola, who had consumed alcohol, were abusing and fighting. Platoon Commander Jyoti Kumar (In-Charge of the Platoon) reprimanded them and calmed them down. The Platoon Major was instructed to prepare the vehicle and medical guard and prepare for the medical examination of both. The medical guard consisted of Chief Constable Dinanath Tiwari, along with Lance Naik Bhupesh Martolia, Constable Rajendra Rana, Constable Mohan Nath and the petitioner. Constable cleaner Tarun Kholia and the D.I. were appointed to escort the medical guard to the hospital in Vehicle number UK 08 AC12. The DI, accompanied by Constable Dinanath Tiwari and Constable Manoj Kumar, sat in the front seat of the vehicle, while other guard, accompanied by Constable Manoj Chandola, sat in the rear seat. It is also noteworthy that at the time when the above two employees were being taken for medical examination by the employee posted in the guard, at that time Platoon Commander Jyoti Kumar was also informing the respondent no. 4 about the said incident. As soon as the constable cleaner started the car, the petitioner pushed Manoj Chandola away, shouting, "Go away, you bastard", this statement was recorded by the guard sitting with the petitioner. No employee recorded any statement regarding the petitioner's shouting.

Constable 2925 Rohit Kumar's statement number 6 states, "There was a commotion outside, saying that Manoj Chandola had been chased away by Kundan Aagri." While providing information about the incident that occurred on the night of 30.12.2020, to respondent no. 4, Platoon Commander Jyoti Kumar informed him that petitioner pushed away Constable Manoj Chandola. This is recorded in statement number 11.

3.12. The contents of para no. 4 (o) of the claim petition as stated are not admitted, hence denied. In reply it is submitted that since both the above mentioned employees were appointed as medical guard for medical examination and the entire guard is guilty for the above incident, but while being appointed in the medical guard, the petitioner chased away the employee who was being taken for medical examination by saying "Go away you bastard" shows arbitrariness and gross indiscipline.

3.13. The contents of para no. 4 (p) of the claim petition as stated are not admitted, hence denied. In reply it is submitted that in the inquiry conducted in the case of Constable 2969 Manoj Chandola escaping from guard custody, the inquiry officer found Chief Constable Dinanath Tiwari, Lance Naik Bhupesh Martolia, Constable Rajendra Rana, Constable Mohan Nath and others posted in the medical guard besides the petitioner guilty in the preliminary inquiry and recommended that they be punished with the punishment of ardali room.

3.14. The contents of para no. 4 (r) of the claim petition as stated are not admitted, hence denied. In reply it is submitted that the investigating officer recorded statements from 11 employees related to the incident, but none of them provided any information regarding the video made by Platoon Commander Jyoti Kumar. Platoon Commander Jyoti Kumar stated in his statement No. 11, "At that time, I was at some distance from the guard room, informing the Commander of the incident over the phone. When he ran away, I also told the Commander that Constable Manoj Chandola had been chased away by Mr. Kundan Aagri." It is noteworthy that how could a person make a video while talking on the phone? The petitioner's statement in para under reply is completely false and baseless. After founding the petitioner guilty in the case, the respondent no. 4 vide order number D-15/2021 dated 22.06.2021, passed the order under sub rule (four) of rule 4(1)(b) of the Uttar Pradesh Police Officers of the Subordinate Ranks (Punishment And Appeal) Rules, 1991 Adaptation and Modification Order 2002 with censure entry.

3.15. The contents of para no. 4 (t) of the claim petition as stated are not admitted, hence denied. In reply it is submitted that in the present case, the petitioner filed an appeal against Order No. 15/2021, dated 22.06.2021 passed by Respondent No. 4, before the Deputy Inspector General of Police, PAC, Haridwar. Upon reviewing/examining the appeal and the documentary evidence/witness statements available in the file, the Inspector

General of Police PAC, Uttarakhand Haridwar, vide its order no. DIG-PAC-200 (10)/2021 dated 03.11.2021, rejected the same.

3.16. The contents of para no. 4(w) of the claim petition as stated are not admitted, hence denied. In reply it is submitted that the petitioner filed revision against Order No.:15/2021 dated 22.06.2021 passed by respondent no. 4 and Order No.:PAC-200 (10)/2021 dated 03.11.2021 passed by respondent no.3, in which, on the night of 30.12.2020, after a fight between Constable 2567 Manoj Kumar and Constable Manoj Chandola, the guard was prepared for medical examination and when the Guard Commander Chief Constable Dinanath Tiwari and the staff made both the employee sit in the vehicle, the petitioner found Manoj Chandola guilty of running away and on noticing any procedural error in awarding the censure entry to the petitioner under sub-rule (four) of Rule 4(1)(b) of the Uttar Pradesh Police Officers of the Subordinate Ranks (Punishment And Appeal) Rules, 1991 Adaptation and Modification Order 2002 vide Sentence Order No: D-15/2021 dated 22.06.2021, the revision submitted by the petitioner was dismissed vide Order No: DG-5 (A) PAC-06/2025 (Revision) dated 08.04.2025.

3.17. The contents of para no. 4 (x) of the claim petition as stated are not admitted, hence denied. In reply it is submitted that the petitioner's appeal was found to be devoid of merit and there was no procedural error in the award of censure entry by Sentence Order No. D-15/2021 dated 22.06.2021 under sub-rule

(four) of Rule 4(1)(b) of the Uttar Pradesh Police Officers of the Subordinate Ranks (Punishment And Appeal) Rules, 1991 Adaptation and Modification Order 2002. Vide Order No. DG-5(A) PAC-06/2025 (Revision) dated 08.04.2025, the petitioner's revision was dismissed.

3.18. Finally, the counter affidavit has emphasized that on the basis of the aforesaid facts in the present counter affidavit, the petition of the petitioner is liable to be dismissed. It is prayed before the Hon'ble Tribunal that the present petition filed by the petitioner is based on false and misleading facts, due to which the said petition is liable to be dismissed. Therefore, the Learned Tribunal is prayed to kindly dismiss/reject the said petition in favour of the Government/Department.

4. Rejoinder Affidavit has also been filed by the learned Counsel for the petitioner against the Counter Affidavit filed on behalf of the respondent No. 4 (Commandant, 46<sup>th</sup> Battalion, PAC, Rudrapur, Udham Singh Nagar, Uttarakhand), stating therein that:-

4.1. The contents of paragraph no. 7 of the counter affidavit are denied. It is submitted that the statements of Head Constable Dinanath Tiwari was not taken in inquiry report no. J-02/2021 DATED 17.04.2021. It is submitted that statement of Shri Dinanath Tiwari Constable in inquiry report D13/2021 DATED 31.08.2021, he specifically stated that PC Jyoti kumar had made a video recording of entire incident. Further serious allegation were made

that statements was recorded in a manner desired by the PC Jyoti kumar. That the statements of his shows story has been concocted exaggerated and fabricated merely to justify the impugned punishment.

4.2. The contents of paragraph no. 9 are not admitted, hence denied respondent no 4 in their counter affidavit specifically stated that record does not contain any fact regarding recording of statements of Lt. Bhupesh Martolia, Constable Mohan Nath and Constable Rajendra Rana (Residential tent of PC) as statement of Dinanth Tiwari has specifically stated in report D13/2021 Dated 31.08.2021 that PC Jyoti Kumar has taken statements of guards as they require fit despite this statement of Constable Dinanath Tiwari was not recorded in Inquiry Report J02/2021 dated 17.04.2021. Still in subsequent paragraphs of counter affidavit, the Respondents are relying upon alleged statements of the same persons who are interested witnesses as they are themselves facing allegation in the same incident which clearly renders their version doubtful and unreliable.

4.3. The contents of paragraph no. 11 of Counter affidavit are denied hence not admitted. It is further stated that there is material contradiction in statement of PC Jyoti kumar as in different inquiry report D13/2021 Dated 31.08.2021 he completed disregard that she recorded any video this stand is completely contradicted by the statement of witnesses in inquiry report D13/2013 dated 31.08.2021, who specifically stated entire incident was video graph by PC Jyoti kumar. In inquiry report D13/2021

Dated 31.08.2021, It is alleged by Pc Jyoti kumar that petitioner told Manoj chandola **“bhaag ja tabhi bach payga”** which is inconsistent from the statement of other witnesses. Further it is stated by him that petitioner fled from back side of the car and not from the car itself which is also in complete contradiction with other witnesses statements, which clearly demonstrates fabrication and tutoring of statements with an intention to falsely implicate the petitioner and conceal actual series of events.

4.4. The contents of paragraph no. 14 of the counter affidavit to the extent it is matter of record need no reply further it is stated that allegations made against the petitioner are wholly contradictory by the statements recorded during inquiry, firstly, constable Tarun kholia specifically stated that he did not know whether the petitioner had made Manoj chandola run away or not. Importantly, despite being present in the vehicle itself, he did not hear any such alleged words or act attributed to the petitioner, his statement has been completely disregarded without any justification. Further, statements of Rajendra singh rana, Mohan nath and Bhupesh singh martolia clearly state that all of them, including the petitioner had made Manoj Chandola sit in the vehicle in complete contradiction shri Jyoti kumar, Prabhari Dalnayak alleged that only the petitioner had taken Manoj chandola for medical examination and further stated that petitioner during such process of medical made Manoj Chandola run away. The entire story is projected against the petitioner is self-contradictory and unreliable.

4.5. The contents of paragraph no. 16 and 17 are not admitted, hence denied. It is stated that allegations made against the petitioner are wholly contradictory by the statements recorded during inquiry, firstly, constable Tarun Kholia specifically stated that he did not know whether the petitioner had made Manoj Chandola run away or not. Importantly, despite being present in the vehicle itself, he did not hear any such alleged words or act attributed to the petitioner, his statement has been completely disregarded without any justification.

Further, statements of Rajendra Singh Rana, Mohan Nath and Bhupesh Singh Martolia clearly state that all of them, including the petitioner had made Manoj Chandola sit in the vehicle in complete contradiction. Shri Jyoti Kumar, Prabhari Dalnayak alleged that only the petitioner had taken Manoj Chandola for medical examination and further stated that petitioner during such process of medical made Manoj Chandola run away. Further Jyoti Kumar, Prabhari Dalnayak did not say that whether petitioner pushed Manoj Chandola or not despite being present at the alleged incident. Moreover, Statement of Jyoti Kumar Prabhari Dalnayak is inconsistent with statement of other witnesses as she uses different line spoken by petitioner. This shows entire story is projected against the petitioner is self-contradictory and unreliable. Further, Manoj Chandola stated that petitioner neither instigated him nor make him run, Also statement of chief constable Dinanath Tiwari was not recorded which shows whole tempered witness statements was relied to make a fabricated story.

4.6. The contents of paragraph no. 18 of counter affidavit are not admitted, hence denied.. It is Stated that averments are vague and self contradictory as Respondent have stated that “as soon as the cleaner started the car the petitioner pushed away Manoj chandola” However, neither any specific time, manner nor detailed description of such alleged acts finds mention in the statements of witnesses. There are subsequent improvements made only to support a pre decided conclusion.

4.7. The contents of paragraph no. 19 of counter affidavit are not admitted, hence denied. It is admitted in the counter that all the personnel posted in the medical guard were found guilty in preliminary inquiry. Despite such admission, the petitioner alone has been singled out and subjected to a graver punishment whereas the other similarly situated personnel were treated differently. Such statement is Discriminatory and arbitrary and cannot be acted upon.

4.8. The contents of paragraph no. 20 are not admitted. Hence denied. It is submitted respondents have deliberately failed to specifically reply to paragraph 4(q) of the petition wherein it has been pleaded that statement of Rohit Kumar, Major Munshi 46th Battalion PAC Task force, Rudrapur was merely hearsay in nature as he was not a eyewitness to the alleged incident. Further it is submitted that statement of platoon commander Jyoti kumar has been selectively presented by respondents clearly indicating an attempt to falsely strengthen the allegation against the petitioner.

5. I have heard learned Counsels for the parties and perused the record carefully.

6. In their arguments, the learned Counsel for the petitioner as well as the learned A.P.O. have mainly focused upon the averments and pleadings as submitted in the claim petition/rejoinder affidavit and the C.A./W.S. respectively. Learned Counsel for the petitioner has drawn attention of the Tribunal towards certain minor anomalies in the record, viz., in the general diary there is difference of five minutes time period; in the Annexure No. 3 there is reference to the video-clip in the statement No. 3 of Constable 2925 Rohit Kumar, which has not been taken into consideration in the disciplinary proceeding; there is a lurking suspicion upon all the recorded statements in the enquiries that the statements have been recorded under pressure and duress because of the retributive attitude of Platoon Commander; this is also evident that almost all the Police Personnel present at the place of incident were directly or indirectly responsible for the escape of Manoj Chandola from the vehicle, but only the petitioner was handpicked by the Platoon Commander for disciplinary proceeding because he and Manoj Chandola were closed friend. Thus, as per the learned Counsel for the petitioner the matter was not grave enough as to warrant a disciplinary proceeding against the petitioner, but the Platoon Commander wanted to set an example for others, which gave rise to the petitioner getting unduly punished.

7. A thorough reading of the record and Annexures reveals the significant facts:-

(A). On the fateful night of 20.12.2020 there took place a serious quarrel between the Constable 2567 Manoj Kumar (sentry duty) and Constable 2926 Manoj Chandola wherein there was a grave possibility of worsening the same as the sentry duty Constable Manoj Kumar was holding his service rifle and was threatening Constable Manoj Chandola to shoot from the rifle while Constable Manoj Chandola was holding a wooden stick (Lathi) and was trying to hit the sentry duty Constable Manoj Kumar. This was the juncture when their colleagues and superior intervened and separated both the quarreling Constables.

(B). The Platoon Commander took decision to get the medical inspection of both the culprits done and got Constable Manoj Chandola seated in the Government vehicle for that purpose alongwith other Constables detailed as the medial inspection guard. Meanwhile the petitioner shouted and incited Constable Manoj Chandola to run away telling that the Platoon Commander intends to get his medical inspection done for ascertaining the influence of liquor upon the accused Constable Manoj Chandola, so better run away. This is also alleged that the petitioner literally pushed away Constable Manoj Chandola to run away.

(C). These facts are well established from the preliminary enquiry report dated 17.04.2021 conducted by Chandra Singh Bisht, Assistant Commandant 46 Bn. P.A.C. Task Force, Rudrapur (Udham Singh Nagar) as well as from the detailed enquiry report dated 31.08.2021 conducted by Diwan Singh Mehta, Assistant Commandant, 46 Bn. P.A.C. Task Force, Rudrapur (Udham Singh Nagar). There does not arise even an iota of suspicion that these statements have been given by the concerned P.A.C. Personnel under fear or duress. Further, it is not only the petitioner who has been punished by disciplinary proceeding but there are 04 other employees also, who have been recommended for Orderly Room punishment in the detailed enquiry report dated 31.08.2021, albeit with minor punishments due to lesser indiscipline on the part of these 04 P.A.C. Personnels, namely, Guard Commander Head Constable Deena Nath Tiwari, Lance Naik Bhupesh Martoliya, Constable Mohan Nath and Constable Rajendra Rana.

(D). P.A.C. is an Armed Police Department where such incident of quarrel and indiscipline can lead to serious consequences. Therefore, the entire incident cannot be taken lightly on par with the civilian Government Employees as the learned Counsel for the petitioner has implied to argue.

So far as a thorough reading of the show-cause notice dated 15.04.2021, the punishment order dated 22.06.2021, appeal rejection order dated 03.11.2021 and the revision rejection order dated 08.04.2025 are concerned, there has been found nothing adverse so as to indicate that the disciplinary proceedings have not been conducted as per the prescribed rules or have been influenced by any other extrajudicial consideration. In fact, at many places in his averments, and in his recorded statements too, the petitioner has almost confessed to the insinuations put forward against him, in one way or the other. His only grievance appears to be the fact that he has been singled out, while the others have been let go. This logic does not hold water in the eyes of law. Therefore, petitioner's defence lacks substance and consequently this claim petition deserves to be dismissed.

### **ORDER**

Accordingly, the claim petition is hereby dismissed.

No orders as to cost.

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

**DATED : 13<sup>th</sup> AUGUST, 2026**

*NAINITAL*

*BK*