

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

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

----- Member (A)

Claim Petition No. 58/NB/SB/2025

Asha Bisht (Sub-Inspector) (Female), aged about 38 years, W/o Sri B. S. Bisht , presently posted at Kotwali. Mallital, District Nainital.

..... Petitioner

Versus

1. State of Uttarakhand, through its Secretary, Home, Secretariat, Dehradun.
2. Deputy Inspector General of Police, Kumaun Region, Nainital.
3. Superintendent of Police, District Bageshwar.
4. Senior Superintendent of Police, District Nainital.

..... Respondents

Present : Sri Anil Kumar Joshi, Advocate for the petitioner
Sri Kishore Kumar, A.P.O. for the respondents

JUDGMENT

DATED : **MAY 07th, 2026**

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

- “i). Issue an order or direction, quashing the impugned order dated 19.10.2024 passed by respondent no. 2 and order dated 22.09.2023 passed by respondent no. 3.
- ii). Issue any other or further order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

iii). To award the cost of the petition in favour of the petitioner.”

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

2.1. The present claim petition is being filed, by the petitioner, challenging the impugned order dated 19.10.2024 passed by respondent no. 2 in departmental appeal preferred against the punishment order dated 22.09.2023 and order dated 22.09.2023 passed by respondent no. 3 in the Departmental Inquiry initiated against the petitioner under Uttarakhand Sub-ordinate Police Officers (Punishment and Appeal) Rules, 1991.

2.2. The petitioner is working as a Woman Sub-Inspector in Police Department and is presently posted as Sub-Inspector, Thana Mallital, District Nainital.

2.3. The petitioner while serving as Woman Sub-Inspector in District Bageshwar was attached as Sub-Inspector at Thana Tallital, District Nainital under the control of Senior Superintendent of Police, Nainital, vide order dated 29.11.2021 for a period of 06 months. The attachment was further extended vide order dated 06.06.2022 for a further period of 06 months. Vide order dated 31.03.2023, the Senior Superintendent of Police, Nainital passed an order that the petitioner shall be relieved to join District Bageshwar on 02.04.2023.

2.4. While the petitioner was posted at Thana Tallital, District Nainital applied for Child Care Leave, the Senior Superintendent of

Police, Nainital vide its order dated 01.12.2022 allowed the Child Care Leave of 180 days w.e.f. 02.12.2022.

2.5. Since the petitioner was attached at Thana Tallital, District Nainital and was on Child Care Leave w.e.f. 02.12.2022 for a period of 06 months, therefore, on completion of Child Care Leave she reported her joining at Thana Tallital.

2.6. On reporting to the duty at Thana Tallital, District Nainital on 31.05.2023 the Thana In-Charge of Thana Tallital informed the petitioner that due to the Tourist season at Nainital he has requested the Senior Superintendent of Police, Nainital to permit the petitioner's continuation at Thana Tallital, District Nainital till the Tourist season. The Senior Superintendent of Police, Nainital on 08.06.2023 wrote a letter to the Inspector General of Police, Kumaon Region, Nainital that the petitioner may be permitted to continue at Thana Tallital, District Nainital till the end of Tourist season.

2.7. The petitioner remained at Thana Tallital, District Nainital till 20.06.2023 and in pursuance to the order passed by Senior Superintendent of Police, Nainital and in compliance to the order of Senior Superintendent of Police, Nainital she submitted her joining at Police Lines Nainital and thereafter joined the services at Bageshwar.

2.8. After joining the services at District Bageshwar the respondent No. 3 on 12.07.2023 issued a show-cause notice to the petitioner stating therein that after completion of period of attachment

her joining at District Bageshwar was fixed as 02.04.2023 and after completion of Child Care Leave she had submitted her joining at Thana Tallital, District Nainital and no information had been given to District Bageshwar. A preliminary inquiry was conducted by Circle Officer, Bageshwar and the Circle Officer, Bageshwar found her guilty of not obeying the order of the superior.

2.9. On 13.08.2023, the petitioner submitted the reply to the show-cause notice and submitted that after completion of Child Care Leave she had submitted the joining at Thana Tallital, District Nainital, but she was retained at Thana Tallital and there is no fault of the petitioner in not joining at District Bageshwar.

2.10. Without considering the reply submitted by the petitioner, the respondent No. 3, vide its impugned order dated 22.09.2023 imposed the penalty of withholding the one month salary of the petitioner and recording the same in the character-roll of the petitioner.

2.11. The respondent No. 3 while passing the impugned order did not consider the reply submitted by the petitioner and in a cursory manner passed the impugned order dated 22.09.2023. It is a cardinal principle of law that once the explanation is asked to a show-cause notice the reply is to be adjudicated and after adjudication the proper order is to be passed. The bare perusal of the impugned order clearly demonstrates that none of the averments mentioned in the reply to the show-cause notice were considered.

The impugned order on its face clearly demonstrates the non-application of mind as in the impugned order it has been mentioned that the show-cause notice was issued on 12.07.2023 and the reply to the show-cause notice was submitted on 03.07.2023, which clearly demonstrates that the reply which was submitted by the petitioner on 13.08.2023 was not at all considered.

2.12. It is significant to mention here that in the preliminary inquiry the SHO, Thana Tallital, District Nainital S.I. Rohitash Singh Sagar had admitted that due to heavy tourism traffic the petitioner was retained at Thana Tallital and on the order of the Senior Superintendent of Police, Nainital the report on 01.06.2023 to retain the petitioner at Thana Tallital, District Nainital was submitted and on the order of Senior Superintendent of Police, Nainital dated 20.06.2023 the petitioner was relieved for District Bageshwar.

In view of the aforesaid, it is crystal clear that there was no intention of the petitioner to be retained at Thana Tallital, District Nainital and she had discharged the duties at Thana Tallital on the direction of the superior officer. The vital aspects were not considered by the respondent No. 3 while passing the order impugned.

2.13. Feeling aggrieved by the aforesaid punishment order, the petitioner submitted the departmental appeal before the Appellate Authority within the time prescribed on 13.12.2023. The contents of the appeal are self-explanatory and are not being repeated.

2.14. The Appellate Authority (Respondent No. 2) vide its impugned order dated 19.10.2024 rejected the appeal and upheld the order passed by the Disciplinary Authority (Respondent No. 3). The Appellate Authority while passing the appellate order had not discussed the grounds and not recorded any finding on the grounds raised by the petitioner and rejected the appeal.

2.15. It is significant to mention here that for the same incident the Senior Superintendent of Police, Nainital on 05.01.2024 also passed an order that though it is not established in the preliminary inquiry that the petitioner willfully and with ill-intention has not followed the order, but since she had not followed the orders of the superiors, therefore, the preliminary inquiry is closed and the petitioner be awarded warning.

3. CAWS has been filed on behalf of the respondent No. 3 by learned A.P.O., in which, it has been stated that:-

3.1. यह कि याचिका में याची द्वारा लिखे गये समस्त प्रस्तर अस्वीकार है एवं केवल वहीं प्रस्तर जो अभिलेखों पर आधारित है स्वीकार है।

3.2. यह कि याचिका का प्रस्तर संख्या-1 अभिलेखीय है परन्तु याची का कथन वास्तविक तथ्यों से विपरीत होने के कारण अस्वीकार है। इसके अतिरिक्त यह कहना है कि याची द्वारा उपरोक्त प्रस्तर में किये गये कथन विधि एवं तथ्यों के विपरीत है इसलिए याची द्वारा प्रस्तुत याचिका किसी भी प्रकार से सुनवायी हेतु अंगीकृत किये जाने योग्य नहीं है तथा याची, याचिका में किये गये कथनों के आधार पर किसी प्रकार का अनुतोष प्राप्त करने का अधिकारी नहीं है और याची की याचिका सव्यय निरस्त किये जाने योग्य है।

3.3. यह कि याचिका के प्रस्तर संख्या-4.4 में किये गये कथन जिस प्रकार लिखा गया है अस्वीकार है। टिप्पणी करनी है कि याची को वरिष्ठ पुलिस अधीक्षक, नैनीताल के आदेश संख्या: त-93/2022 दिनांक 31.03.2023 के द्वारा याची की सम्बद्धता अवधि की समाप्ति उपरान्त याची को उनके मूल तैनाती जनपद बागेश्वर में कार्यग्रहण हेतु 02.04.2023 को कार्यमुक्त किया जाना सुनिश्चित किया गया था। उक्त आदेश में यह भी निर्देशित किया गया था कि याची द्वारा 180 दिवस के बाल्य देखभाल अवकाश की अवधि पूर्ण होने के उपरान्त अपनी आमद अनिवार्यतः पुलिस अधीक्षक, बागेश्वर के समक्ष करायी जाए। याची द्वारा प्राथमिक जांच के दौरान यह स्वीकार भी किया गया कि उक्त आदेश उन्हें व्हाट्सएप के माध्यम से प्राप्त हो चुका था। तथापि, आदेश की स्पष्ट जानकारी होने के उपरान्त भी याची द्वारा अवकाश की समाप्ति पर जानबूझकर अपनी आमद थाना तल्लीताल, नैनीताल में करायी गयी, जो उच्चाधिकारियों के आदेशों की प्रत्यक्ष अवहेलना की श्रेणी में आता है तथा उच्चाधिकारियों के आदेश का ज्ञान होने पर भी उसने आदेश का पालन नहीं किया।

3.4. यह कि याचिका के प्रस्तर संख्या-4.5 एवं 4.6 में किये गये कथन जिस प्रकार लिखा गया है अस्वीकार है। टिप्पणी करनी है कि याची द्वारा अपनी याचिका में वरिष्ठ पुलिस अधीक्षक, नैनीताल द्वारा दिनांक 08-06-2023 को पुलिस महानिरीक्षक, कुमायूँ परिक्षेत्र, नैनीताल को लिखे गये जिस पत्र का हवाला दिया गया है उसको पुलिस महानिरीक्षक, कुमायूँ परिक्षेत्र द्वारा अपने पत्र संख्या: सीओके-228/2023 दिनांक 17-06-2023 के द्वारा सिरे से खारिज करते हुए स्पष्ट रूप से वरिष्ठ पुलिस अधीक्षक, नैनीताल को पत्र का उत्तर भेजते हुए पत्र में अंकित किय गया है कि **“महिला उपननिरीक्षक आशा बिष्ट का थाना तल्लीताल में दिनांक**

30-05-2025 को किस आदेश पर थानाध्यक्ष तल्लीताल द्वारा उसकी आगमन किया गया, जिससे प्रतीत होता है कि उच्चाधिकारियों द्वारा निर्गत आदेशों का पालन नहीं किया जा रहा है एवं प्रकरण में जांच कराकर दोषी कार्मिकों के विरुद्ध दोष निर्धारण करते हुए कार्यालय को अवगत कराने हेतु निर्देशित किया गया।” वरिष्ठ पुलिस अधीक्षक, नैनीताल द्वारा याची को पुलिस महानिरीक्षक, कुमायूँ परिक्षेत्र, नैनीताल के उपरोक्त पत्र संख्या: सीओके-228/2023 दिनांक 17-06-2023 इसी पत्र के क्रम में दिनांक 20-06-2023 को जनपद बागेश्वर हेतु रवाना करने का आदेश पारित किया गया है, जिससे यह स्पष्ट होता है कि याची द्वारा जानबूझकर अपनी आमद थाना तल्लीताल, नैनीताल में करायी गयी, जो उच्चाधिकारियों के आदेशों की प्रत्यक्ष अवहेलना की श्रेणी में आता है।

3.5. यह कि याचिका के प्रस्तर संख्या-4.7 में किये गये कथन के सम्बन्ध में अवगत कराना है कि याची को वरिष्ठ पुलिस अधीक्षक, नैनीताल के आदेश संख्या: त-93/2022 दिनांक 31.03.2023 के द्वारा याची की सम्बद्धता अवधि की समाप्ति उपरान्त याची को उनके मूल तैनाती जनपद बागेश्वर में कार्यग्रहण हेतु 02.04.2023 को कार्यमुक्त किया जाना सुनिश्चित किया गया था। याची द्वारा दिनांक 30-05-2025 को अवकाश समाप्त होने के बाद जनपद बागेश्वर में अपनी आमद करानी चाहिये थी, परन्तु याची द्वारा जनपद बागेश्वर में अपने आगमन की रिपोर्ट न देकर अपने स्वेच्छानुसार थाना तल्लीताल में आगमन कर लिया गया एवं थाना तल्लीताल में आगद किये जाने के सम्बन्ध में कोई भी सूचना पुलिस अधीक्षक, बागेश्वर को प्रेषित नहीं की गयी। याची की उक्त लापरवाही के सम्बन्ध में क्षेत्राधिकारी बागेश्वर से जाँच सम्पादित कराई गई, जांच आख्या दिनांक 30-06-2023 में याची

को उच्चाधिकारियों की आदेशों की अवमानना/अवहेलना करने का दोषी पाया गया, जिसके उपरान्त याची को उत्तराखण्ड [उ०प्र० अधीनस्थ श्रेणी के पुलिस अधि०/कर्म० की (दण्ड एवं अपील) नियमावली-1991], अनुकूलन एवं उपान्तरण आदेश-2002 के नियम-4 (1) ख (दो) के अन्तर्गत विभागीय कार्यवाही सम्पन्न होने के फलस्वरूप उत्तराखण्ड पुलिस अधिनियम-2007 के प्रस्तर-23 (2) (क) के अन्तर्गत एक माह के वेतन के बराबर धनराशि के अर्थदण्ड से दण्डित करते हुए लेख चरित्र-पंजिका पर अंकित किये जाने हेतु दिनांक 12-07-2023 को कारण बताओ नोटिस निर्गत किया गया।

3.6. यह कि याचिका के प्रस्तर संख्या-4.8 में किये गये कथन जिस प्रकार लिखा गया है, अस्वीकार है। याची द्वारा दिनांक 13-08-2023 को उपलब्ध कराये गये स्पष्टीकरण पर गम्भीरता से विचार किया गया, उसका स्पष्टीकरण सन्तोषजनक न होने से विभागीय दण्डादेश पारित किया गया है।

3.7. यह कि याचिका के प्रस्तर संख्या-4.9 एवं 4.10 में किये गये कथन स्वीकार्य नहीं है। टिप्पणी करनी है कि याची द्वारा दिनांक 13-08-2023 को उपलब्ध कराये गये स्पष्टीकरण में कोई बल न होने एवं सम्बन्धित पत्रावली पर उपलब्ध अभिलेखों एवं प्रकरण की गहन समीक्षा के उपरान्त आदेश संख्या: द-05/2023 दिनांक 22-09-2023 के द्वारा याची को एक माह के वेतन के बराबर धनराशि के अर्थदण्ड से दण्डित किये जाने का आदेश पारित किये गये हैं जो पूर्णरूप से नियमानुसार एवं विधिसम्मत है। उक्त अन्तिम आदेश में लिपिकीय त्रुटि होने के कारण स्पष्टीकरण प्रस्तुत करने की तिथि दिनांक 13-08-2023 के स्थान पर 03-07-2023 अंकित हुई है, जबकि वास्तविक तिथि 13-08-2023 है।

3.8. यह कि याचिका के प्रस्तर संख्या-4.12 में किये गये कथन निराधार है, जिस प्रकार लिखा गया है अस्वीकार है। याची प्रारम्भिक जॉच में उच्चाधिकारियों की आदेशों की अवमानना/अवहेलना करने का दोषी पायी गई है पुलिस बल एक अनुशासित बल है जिसमें उच्चाधिकारियों के आदेश की अवहेलना अनुशासनहीनता एवं स्वेच्छाचारिता की श्रेणी में आता है। याची को पारित दण्डादेश पूर्णरूप से नियमानुसार एवं विधिसम्मत है।

3.9. यह कि याचिका के प्रस्तर संख्या-4.13 एवं 4.14 में किये गये कथनों के सम्बन्ध में स्पष्ट करना है कि याची द्वारा उक्त दण्डादेश के विरुद्ध पुलिस महानिरीक्षक, कुमायूँ परिक्षेत्र, नैनीताल के समक्ष अपील प्रेषित की गयी जिस पर सम्यक् विचारोपरान्त अपना निर्णय पारित करते हुए अपने आदेश संख्या-10/2024 दिनांक 19-10-2024 के द्वारा प्रश्नगत् अपील को अस्वीकृत किया गया तथा इस कार्यालय के दण्डादेश को यथावत् रखा गया।

3.10. यह कि याचिका के प्रस्तर संख्या-4.15 में किये गये कथन पर टिप्पणी करना है कि याची द्वारा दोनों अधिकारियों के सम्मुख सही जानकारी एवं तथ्य नहीं रखे तथा बागेश्वर में आमद न कर धोखे से थाना तल्लीताल में अपनी आमद की तथा इसकी सूचना पुलिस अधीक्षक, बागेश्वर को भी नहीं दी गई।

3.11. यह कि प्रतिवाद पत्र के उपरोक्त कथनों के आधार पर याची की याचिका सव्यय अस्वीकार होने योग्य है। मा0 न्यायाधिकरण से प्रार्थना है, कि याचिकाकर्ता के द्वारा योजित की गयी वर्तमान याचिका असत्य एवं भ्रामक तथ्यों पर आधारित है, जिस कारण उक्त याचिका खारिज होने योग्य है। अतः मा0 न्यायाधिकरण से अनुरोध है, कि उक्त याचिका को शासन/विभाग के पक्ष में खारिज/निरस्त करने का कष्ट करें।

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

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

6. Learned Counsel for the petitioner in his arguments emphasized mainly upon the documentary evidences as below:-

- (a) The enquiry report dated 30.06.2023 has recorded statements of the petitioner, the reserve Inspector Sri Shivraj Singh Bisht, Reserve Police Lines, Bageshwar and Sub-Inspector Sri Rohtash Singh Sagar, S.O. Thana Tallital, District Nainital. The remaining enquiry is based upon documentary evidences, which are sufficient to establish the innocence of the petitioner in the instant matter. Learned Counsel for the petitioner has pin-pointed the statement of S.O. Tallital, District Nainital and indicated that the statement entirely corroborates the petitioner's claim. However, the Enquiry Officer has concluded otherwise. As per the learned Counsel, the petitioner is a Women Sub-Inspector and she simply followed the instructions of S.O. Tallital on whose directions the petitioner's attachment had been extended at Thana Tallital, District Nainital for traffic management during the

tourist season. Whatsoever correspondence took place at the senior level of officers was not known to the petitioner and, therefore, the petitioner did not default on her own sweet-will voluntarily or deliberately.

- (b) There is another contradiction available on the records that while the respondent No. 3 the Superintendent of Police, District Bageshwar initiated a departmental proceeding against the petitioner by his Letter No. A-51/2022 dated 16.06.2023 addressed to the C.O., Bageshwar by setting-up a departmental enquiry, the respondent No. 4, the Senior Superintendent of Police, Nainital also took due cognizance of her default and issued a warning to the petitioner and got it placed upon the Personal File of the petitioner kept at the office of S.P., Bageshwar by his Letter No. J-136/2023 dated 05.01.2024, a copy of which has been given to S.P. Bageshwar also for necessary action. Learned Counsel during his arguments drew attention of the Tribunal towards the fact that there seems to have been a communication gap, existing at that time in the instant matter, between the offices of S.P. Bageshwar and S.S.P. Nainital, due to which the petitioner defaulted without any real

fault of her own. Also S.P. Bageshwar seems to have initiated the disciplinary proceedings against the petitioner due to this communication gap only. For this reason, the petitioner must not be punished.

7. Learned A.P.O. during his arguments pleaded that the petitioner is not a Woman Constable, rather she is a Sub-Inspector and very well knows the rules of conduct, and the consequences of disobedience towards the superior officers. The actual substantive posting of the petitioner was at the District Bageshwar, and not at the Police Station Tallital, District Nainital, therefore, the primary duty and allegiance of the petitioner statutorily existed towards District Bageshwar and, thus, her actual superior Controlling Officer was S.P., Bageshwar. Further, this is noticeable that the attachment of the petitioner from District Bageshwar to District Nainital had been ordered by none below the level of Inspector General of Police (Personnel) by his Order No. DG-1-2023/2022 (2) T.C. dated 29.11.2021 which was further extended for 06 months by his order dated DG-1-2023/2022 (2) T.C. dated 06.06.2022. Therefore, S.O. Tallital District Nainital, or even SSP, Nainital for that matter, had no authority to retain the petitioner at his Police Station beyond the sanctioned period of attachment at the highest level. The petitioner, being a Sub-Inspector, was very well-versed with this statutory position. In fact, this indicates that the petitioner wanted to continue

her stay at P.S. Tallital for whatsoever reasons best known to her, and the S.O. Tallital acted in collusion with the petitioner. Therefore, the petitioner is not innocent. The disciplinary proceedings have been conducted by the respondent No. 3 as per the stipulated procedure without any fault and is appropriate enough as per the law.

8. In his rebuttal arguments, learned Counsel for the petitioner has reiterated the contents of his rejoinder affidavit and drew attention of the Tribunal towards the fact that the Child Care Leave of 180 days was sanctioned to the petitioner by the S.S.P. Nainital (Respondent No. 4) w.e.f. 02.12.2022 upto 31.05.2023 after which the petitioner was supposed to join at District Bageshwar and not before that.

9. After a close scrutiny of the documentary evidences and the statements recorded by the Enquiry Officer the following observations emerge as significant:-

- (i). The petitioner is not a Constable she is a Sub-Inspector and is expected to know the law and conduct rules. Plea of ignorance in this matter is not admissible.
- (ii). The actual substantive posting of the petitioner was there at District Bageshwar, and not at District Nainital. Therefore, the petitioner ought to have set-right her priorities about the statutory allegiance

of her police service towards District Bageshwar, and not the vice-versa.

- (iii). Of course, the petitioner had been attached at District Nainital initially for 06 months and then again extended for another 06 months by I.G. (Personnel), and none-below his rank and designation. Therefore, the gravity of attachment order was very much evident to the concerned all. Even if, the proposed extended retention of the petitioner was on the cards, a formal approval of the same was highly required from the I.G. (Personnel). In the light of this statutory protocol even the sanctioning of a Child Care Leave of 180 days granted by the respondent No. 4, the S.S.P., Nainital is questionable. In fact, the petitioner's application for Child Care Leave of 180 days should have been submitted before the respondent No. 3, S.P. Bageshwar, or before the appropriate superior levels. Nevertheless, the respondent No. 4, S.S.P., Nainital, set it right by informing the S.P Bageshwar after sanctioning this leave. Thus, the petitioner was very much aware that her Child Care Leave for 180 days begins w.e.f. 02.12.2022 after which she was expected to report her joining at District Bageshwar. Meanwhile, due to timely

intervention of I.G. Kumoun Region, Nainital through his Letter No. COK-228/2023 dated 29.03.2023 the attachment of petitioner at District Nainital was cut short and accordingly, she was ordered to get relieved for reporting at District Bageshwar on 02.04.2023 by the S.S.P. Nainital's order No. T-93/2022 dated 31.03.2023 a copy of which has been supplied to the petitioner also with a direction that the petitioner after having availed her Child Care Leave of 180 days w.e.f. 22.11.2022 would submit her joining report at S.P. Bageshwar. Since the copies of this letter of S.S.P. Nainital dated 31.03.2023 have been provided to I.G. (Personnel) Uttarakhand, Dehradun, D.I.G. Kumoun Range, Naintital and S.P. Bageshwar also, there was no further confusion that the petitioner's attachment at District Nainital was to finish by the evening of 01.04.2023 and she was bound to be relieved from District Nainital positively on 02.04.2023.

10. The correct legal course before the petitioner was that she should have contacted the S.P. Bageshwar and apprised him about the interim developments and should have taken his permission accordingly, which she failed to do.

11. So far as the statement of S.O. Tallital, District Nainital as recorded in the disciplinary enquiry is concerned, it categorically admits that the petitioner had been relieved from P.S. Tallital on 02.12.2022 under the General Diary report No. 16 Time 11:25 A.M. as per the S.S.P. Nainital's order No. A-136/2018 dated 02.12.2022 for 180 days' Child Care Leave. The petitioner joined back on 30.05.2023 as per the General Diary Report No. 23 Time 3:30 P.M. at Thana Tallital on her own. This admission of S.O. Tallital manifestly establishes the fact that the petitioner violated the directions given by S.S.P., Nainital's order No. 93/2022 dated 31.03.2023, in which, the petitioner had been directed very clearly to report at District Bageshwar.

12. By her actions, the petitioner defaulted not only about the statutory positions or her allegiance towards District Bageshwar but also disobeyed the written directions given to her by S.S.P. Nainital.

13. So far as S.S.P. Nainital's letter of request No. T-93/2023 dated 08.06.2023 addressed to I.G Police Kumoun Region is concerned it appears to be an afterthought because the petitioner had already defaulted firstly on 02.04.2023 and then again on 30.05.2023 by disobeying the orders of the superiors. Similarly, though the petitioner has attached as Annexure No. 7, the S.S.P. Nainital's warning letter No. J-136/2023 dated 05.01.2024 in her defence, nevertheless, this warning letter rather aggravates the disciplinary position of the petitioner in the sense that she has been

found guilty of indiscipline both by S.S.P. Naintial, and S.P. Bageshwar in the same matter.

14. The aforesaid significant observations of the Tribunal unequivocally establish that the petitioner committed several acts of indiscipline, not only knowingly, but also voluntarily and deliberately. A close perusal of all the evidences on record establish that this claim petition lacks substance and hence, deserves to be dismissed.

ORDER

Accordingly, the claim petition is, hereby, dismissed.

No orders as to costs.

(Capt. Alok Shekhar Tiwari)
Member (A)

DATE: MAY 07th, 2026
NAINITAL
BK