BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL AT DEHRADUN

Present: Hon'ble Mr. Rajendra Singh

……..Acting Chairman

Hon'ble Mr. A.S. Rawat

……..Vice Chairman (A)

CLAIM PETITION NO. 156/SB/2024

Vinod Lal, S/o Shri Matbar Lal, aged about 41 years, serving as Additional Sub Inspector, Kotwali Srinagar, District Pauri Garhwal.

……Petitioner

versus

1. State of Uttarakhand through Secretary, Home, Civil Secretariat, Subhash Marg, Dehradun.
2. The Additional Director General of Police, Police HQR, 12, Subhash Road, Dehradun.
3. The Inspector General of Police, Garhwal Range, Dehradun.
4. Deputy Inspector General of Police, Garhwal Range, Nardev Shastri Marg, Dehradun.
5. Senior Superintendent of Police, Dehradun, District Dehradun.

…….. Respondents

Present: Sri Uttam Singh, Advocate, for the Petitioner
Sri V.P. Devrani, A.P.O., for the Respondents

Judgement

Dated: 15th October, 2026

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

"(i) To quash the order dated 04.08.2014 vide which the Senior Superintendent of Police, Dehradun awarded the punishment of "Censure" (Annexure No. A-1).

(ii) To quash the order dated 23.08.2015 vide which the appellate authority has rejected the appeal (Annexure No. A-2).

(iii) To quash the order dated 13.09.2024 vide which the revisional authority has rejected the revision (Annexure No. A-3).

(iv) To pass any other suitable order, which the Hon'ble Tribunal may deem fit and proper on the basis of facts and circumstances of the case.

(v) Award the cost of the petition to the petitioner."

2. Brief facts, giving rise to present claim petition, are as follows:

2.1. The petitioner was appointed as Constable (Civil Police) on 21.04.2002 in District Tehri Garhwal and subsequently posted in Dehradun. The petitioner was promoted on the post of Head Constable (Civil Police) on 28.04.2009 in District Dehradun and to the post of Additional Sub Inspector on 17.11.2022.

2.2. Petitioner, while posted in Naya Gaon Police Chowki, was assigned the duty of Head Constable Station/Chowki Writer. The Petitioner in Naya Gaon Police Chowki Dehradun has performed his duties from 25.09.2013 at 08:00 PM to 26.09.2013, 08.00 AM as Head Constable Station/Chowki Writer. The Chowki Writer is primarily responsible for ministerial/clerical duties in the Police Chowki/Thana. The Incharge Police Chowki orally instructed the petitioner to complete the pending task, as such the petitioner performed the duties of Police Chowki writer continuously on 26.09.2013 upto 08:00 PM. The petitioner, then on 26.09.2013 at 08:00 PM gave the charge of Police Chowki Writer to Constable (Civil Police) Ajay Kumar for performing duties upto 27.09.2013 08:00 AM. The petitioner after handing over the duties of Chowki/Station-writer to Constable Civil Police Sri Ajay Kumar, relieved from the physical duties and stayed in the adjacent residential accommodation provided in the Police Chowki. Since the petitioner is continuously performing duties for 24 hours hence

after taking meal, he went to his bed for a sleep. Petitioner was assigned the duties of Chowki Writer/ ministerial duties. In case of emergencies or for specific purpose, the Chowki Incharge has the power to detail the Constable working as Chowki Writer/ministerial works or other personnel who are on off duties/rest through phone or sending men. Neither any phone call was received by the petitioner nor any personnel approached the petitioner in connection with checking of overloaded dumper/truck on the intervening night of 26/27.09.2013. Petitioner on 27.09.2013 at 08.00 AM reported for his chowki writer/ministerial duties. At about 10:30 hours, an information through RT Set was received that Senior Superintendent of Police, Dehradun has suspended all the personnel posted in Police Chowki Naya Gaon Dehradun including the Petitioner.

2.3. Later it has come to the knowledge of petitioner that on 26/27.9.2013, night, the Circle Inspector, Sadar Dehradun Sri Swatantra Kumar carried out routine checking and alleged to have challaned 17 Truck/Dumper under Motor Vehicle Act. On 26/27.9.2013 night, the petitioner was not on duty but on rest in the accommodation provided adjacent to the Police Post/chowki. The Sub Inspector/Chowki In charge was present in the Police Post and it was the duty of the Chowki In charge to send message and call the petitioner for duties in case of emergencies/ special duties like vehicle checking are to be carried out. There was no call received from the Sub Inspector/Chowki In charge to check overloading of the dumper/trucks and take suitable action against the dumper/trucks under Motor Vehicle Act.

2.4. The State of Uttarakhand/ Dehradun Traffic Police has made the following provision for challan. The same is reproduced as under:

> *Among traffic officers, who are authorized to give a spot fine notice?*

> *Traffic officers of and above the rank of assistant sub-inspector are authorized to give away traffic violation challans or notices, which are for spot fines. Officers of the rank of ASI (one-star), sub-inspector (two-star), inspector (three-star) are authorized to collect spot fines. Any officer below the rank of ASI, which comprises constables and head constables, can only note down the nature of the violation and vehicle number, and submit the information to the traffic office. Notices will then be issued from the centre. The violator will have to pay the fine at Traffic Office Dehradun, Traffic constables are not authorized to collect money as they do not carry receipt books. The motorist may lodge a complaint if any officer below the rank of ASI collects money from him.*

2.5. The discretion whether the vehicles are to be checked or not are within the domain of the Assistant Sub Inspector and not the domain of the Head Constable. A preliminary enquiry was conducted on said matter by Sri Harbans Singh, the then Circle Inspector, Rishikesh. The Circle Inspector on 31.01.2014 submitted preliminary report before the Senior Superintendent of Police, Dehradun and conclusion of the preliminary enquiry is as under-

a) A river namely Asan flows near Naya Goan Area which is a very small river and one Pusta is built near the same, in which no illegal mining is carried out.

b) It is found that those Vehicles who proceed from Chowki Nayagaon towards city they took material from Himachal Pradesh, Saharanpur and Yamuna river.

c) On the night of 26/27.09.2013, Shri Swatantra Kumar, Circle officer, Dehradun was on routine checking duty in his circle and at that time some trucks/dumpers were coming from the city towards Nayagaon Shimla Bypass, in which mining material was found and upon which Sri Swatantra Kumar Circle Officer Sadar has challaned 17 vehicle under M.V. Act whereas on the night of 26/27.09.2013, Chowki Incharge Sub Inspector Sri Mukesh Thaladi himself was present on the Chowki, but despite his presence he fails to take any preventive action.

d) In Chowki Nayagaon despite having sufficient Police Force, Chowki Incharge and deployed personnel are found negligent in taking sufficient action against illegal mining/overloaded vehicle.

2.6. Petitioner submitted detailed reply of show notice but the disciplinary authority without going through reply of show cause notice awarded “Censure entry” in the character roll of the petitioner. On 05.09.2014, petitioner filed an appeal against the order dated 04.08.2014, which was rejected by the appellate authority on 23.08.2015.

2.7. The respondent has awarded "Censure entry" for no fault in performing the duties, no sufficient evidence of dereliction towards duties is available on the records. Moreover, irrelevant consideration was taken and imposed "Censure entry " in Character & Antecedent roll illegally. "Censure entry" awarded by the respondents have adversely affected and postponement of sanctioning of benefit of the 2nd ACP admissible to the petitioner on completion of 6 years’ satisfactory service on 28.04.2015 on the post of Head Constable.

2.8. Petitioner filed a writ petition no. 1952 (S/S) of 2022 against the order dated 04.08.2014 and 23.08.2015. The Hon’ble High Court on 03.11.2022 disposed of the petition with the direction that if the petitioner has any grievances then he has liberty to make representation before the competent authority. The petitioner filed revision before the respondent/ ADG but there was a delay in filing the revision. The petitioner filed claim petition no. 189/SB/2023 before this Tribunal and the Tribunal on 22.11.2023 condoned the delay for filing the revision before the revisional authority.

2.9. Neither disciplinary authority nor appellate authority or revisional authority has considered the important aspects of the matter that the petitioner was continuously performing Chowki/Station writer duties since last 24 hours i.e. from 25/9/2013 08:00 PM onwards and that he has handed over the Chowki/station

writer duties on 26.9.2013 at 08:00 PM to Constable Ajay Kumar. The petitioner then stayed in the allotted accommodation for rest adjoining to the police chowki. During the night stay, there was no call received from the Sub Inspector/Chowki In charge to assist him to carry physical checking of dumper/trucks passing through chowki check post, as such the petitioner was on rest on 26/27.9.2013 night. So, the impugned orders are liable to be quashed.

3. The claim petition has been contested on behalf of the respondents. C.A. has been filed by Sri Ajay Singh, the then SSP, Dehradun. Counter affidavit has been filed mainly stating that:

3.1 याची के वर्ष, 2014 में जनपद देहरादून में नियुक्ति के दौरान पुलिस चौकी नयागांव थाना–पटेलनगर में तैनात रहते हुए दिनांक 26/27–09.2013 की रात्रि में क्षेत्राधिकारी–सदर, देहरादून ने अपने सर्किल क्षेत्र में रूटीन चौकिंग के दौरान पुलिस चौकी नयागांव क्षेत्र स्थित शिमला बाईपास मार्ग देहराद्न पर 17 ट्रक /डम्पर आसन नदी से अवैध खनन का माल लेकर शहर की ओर जा रहे, को रोका गया तथा डम्पर में भरे माल का आंकलन करने पर माल अधिक होना पाये जाने पर संबंधित वाहनों के चालकों के विरूद्ध एम0वी0 एक्ट के अन्तर्गत चालान किया गया, जबकि उक्त तिथि को याची स्वयं पुलिस चौकी नयागांव में मौजूद था और चौकी नयागांव में पर्याप्त पुलिस बल उपलब्ध था। किन्तु याची द्वारा संबंधित अवैध खनन के वाहनों के विरुद्ध कोई निरोधात्मक कार्यवाही अमल में नहीं लायी गई, जिसके कारण संबंधित वाहन बिना किसी रोक–टोक के अवैध खनन का माल लेकर शहर की ओर चले आ रहे थे। उक्त प्रकरण की सूचना पर पुलिस चौकी में नियुक्त समस्त कार्मिकों को तत्काल प्रभाव से निलम्बित किया गया तथा बाद जांच बहाल किया गया।

3.2 याची के उक्त कृत्य के लिए प्रारम्भिक जांच क्षेत्राधिकारी ऋषिकेश, देहरादून से करायी गयी, जिन्होने अपनी जांच में याची व अन्य कार्मिकों की लापरवाही का दोषी पाया गया। जांच अधिकारी की जांच रिपोर्ट के संबंध में दण्डाधिकारी ने पुलिस अधोक्षक, नगर को टिप्पणी दिये जाने जांच आख्या प्रेषित की गयी, जिसमें पुलिस अधीक्षक नगर ने याची सहित अन्य कार्मिको को अवैध खनन/ओवर लोड में वाहनों के विरूद्ध पर्याप्त कार्यवाही नहीं करने की लापरवाही संबंधित टिप्पणी प्रेषित की गयी।

3.3 प्रकरण जांच आख्या एवं पुलिस अधीक्षक, नगर की टिप्पणी के आधार पर याची व अन्य कार्मिकों को उत्तरांचल अधीनस्थ श्रेणी के पुलिस अधिकारियों

की (दण्ड एवं अपील) नियमावली 1991 अनुकूलन एवं उपान्तरण आदेश 2002 के नियम 4(1)(ख) के उपनियम–4 में निहित प्राविधानों के तहत परिनिन्दा लेख दिये जाने का कारण बताओ नोटिस संख्याः द–67/2014 दिनांकित 17.06.2014 के द्वारा निर्गत किया गया, जिसे याची द्वारा प्राप्त कर अपना लिखित स्पष्टीकरण प्रस्तुत किया गया, परन्तु याची के लिखित स्पष्टीकरण में वर्णित तथ्यों एवं पत्रावली पर उपलबध अभिलेखीय साक्ष्यों का गहनता, निष्पक्षता एवं सहानुभूतिपूर्वक विचार किया गया, याची का स्पष्टीकरण संतोषजनक नहीं पाते हुए विभागीय कार्यवाही संबंधित नियमों के तहत दण्डादेश संख्याः द–67/2014 दिनांक 04.08.2014 परिनिन्दा लेख के दण्ड से दण्डित किया गया।

3.4 याची द्वारा परिनिन्दा लेख के दण्डादेश के विरूद्ध विभागीय अपीलीय अधिकारी के समक्ष अपील प्रस्तुत की गयी। अपीलीय अधिकारी ने याची की अपील के समस्त तथ्यों के गहनता से विश्लेषण एवं परीक्षण किया गया, परन्तु याची की अपील में दिये गये तर्क बलहीन एवं वास्तविक तथ्यों के विपरीत होने के कारण प्रस्तुत अपील स्वीकार किये जाने योग्य नही पाते हुए आदेश संख्या सीओजी–सीए–अपील–61 (देहरादून)/ 2014–टी दिनांक 23.08.2015 के द्वारा अपील निरस्त किया गया।

3.5 याचो द्वारा परिनिन्दा लेख के दण्डादेश के विरूद्ध विभागीय अपीलीय अधिकारी के निरस्त अपीलीय आदेश के विरूद्ध मा0 लोक सेवा अधिकरण में निदेश याचिका संख्या 189/एसएस/2023 योजित किया गया, जिसमें मा0 अधिकरण ने याची की याचिका को प्रस्तुत/ प्रवेश स्तर पर ही याचिका दिनांक 22.11.2023 को निस्तारित करते हुए याची के लगभग 08 वष की याचिका योजित करने की विलम्बता से छूट देते हुए दण्डादेश के विरूद्ध पुनरीक्षण दायर करने की स्वतंत्रता प्रदान की गयी।

3.6 याची ने मा0 अधिकरण के पारित आदेश दिनांकित 22.11.2023 के अनुपालन में प्रदत्त दण्डादेश/ अपीलीय आदेश के विरूद्ध सक्षम प्राधिकारी के समक्ष अपनी विभागीय पुनरावेदन (रिवीजन) प्रस्तुत की गयी। रिवीजनकर्ता अधिकारी अपर पुलिस महानिदेशक, प्रशासन, उत्तराखण्ड पुलिस मुख्यालय, देहरादून ने याची के रिवीजन में प्रस्तुत तथ्यों पर विस्तारपूर्वक/बिन्दवार परिशीलन किया गया साथ ही पत्रावली पर उपलब्ध साक्ष्यों एवं अभिलेखों के विवेचन के आधार पर याची के चौकी नयागांव कार्यालय में कार्यलेख ड्यूटी पर कर्तव्य के प्रति घोर लापरवाही एवं उदासीनता परिलक्षित होने की पुष्टि के फलस्वरूप पुनरावेदक/याची को प्रकरण में प्रदत्त दण्ड पूर्णरूप से नियम संगत एवं प्रक्रिया के अनुरूप पाया गया एवं आदेश संख्या डीजी–सात–192/2024 (1)

दिनांकित 13.09.2024 के द्वारा प्रस्तुत पुनरावेदन (रिवीजन) बलहीन पाते हुए अस्वीकृत किया गया।

3.7 याची के विरूद्ध सम्पादित विभागीय कार्यवाही में किसी प्रकार की कोइ त्रुटि नहों है। याची को पर्याप्त/समुचित अवसर, बचाव व सुनवाई का समय प्रदान किया गया व आरोपित आरोप सिद्ध साबित होने पर ही उचित साक्ष्यों के आधार पर ही लघु दण्ड से दण्डित किया गया है। याची ने प्रदत्त परिनिन्दा लेख के दण्ड एवं निरस्त विभागीय अपीलीय आदेश तथा अस्वीकृत पुनरावेदन (रिवीजन) को खारिज किये जाने की प्रार्थना मा0 अधिकरण से की गयी है, जिसमें विधिक रूप से कोई बल न होने से याचिका सव्यय खारिज किये जाने योग्य है। याची के प्रस्तुत प्रत्यावेदनों के बिन्दुओं पर मनन व परिशोलन करने के उपरान्त याची के प्रत्यावेदन उचित रूप से ही निरस्त/अस्वीकृत किया गया है, जो कि पूर्णतया उपलब्ध नियमों के अन्तर्गत निर्गत विधि सम्मत आदेश है। उक्त आदेशों को मा0 अधिकरण द्वारा भी सर्वथा विधिसम्मत होने से उचित ठहराना अपेक्षित है एवं तदनुसार ही याचिका उपरोक्त खारिज की जानी नितान्त आवश्यक है।

3.8 याची को परिनिन्दा लेख के निर्गत कारण बताओ नोटिस दिनांकित 17.06.2014 के लिखित स्पष्टीकरण (याचिका का संलग्नक–5) के प्रस्तर 04 व 05 में स्पष्ट उल्लेखित किया गया है कि याची दिनांक 26/27.09.2013 के जी0डी0 के अनुसार नक्शा नौकरी में ड्यूटी पुलिस चौकी कार्यालय का कार्य सम्पादित कर रहा था तथा आरक्षी अजय कुमार चौकी पर रात्रि निगरानी ड्यूटी पर तैनात था।

3.9 पुलिस चौकी में नियुक्त जी0डी0 लेखन व अन्य कार्य हेतु नियुक्त मुख्य आरक्षी का कर्तव्य थाने के हेड मोहर्रिर के दायित्वों का निर्वहन करना होता है व थाने में घटित घटनाओं का पूर्व दायित्व का भार चौकी प्रभारी के साथ ही याची पर पूर्णरूप से लागू होते हैं।

3.10 याची पुलिस चौकी के हेड मोहर्रिर की संवेदनशील ड्य्टी में नियुक्त होने के उपरान्त भी चौकी क्षेत्रान्तर्गत संबंधित घटना घटित होने की सूचना इन्हें तद्समय प्राप्त नहीं हुई है, मात्र अपने बचाव में किए गये कथन है, जिनका विरोध किया जाता है, जो लापरवाही का द्योतक है।

3.11 राष्ट्रीय राजमार्ग स्थित पुलिस चौकी नया गांव होकर गुजरने वाले ओवर लोड खनन वाहनों के संबंध में की गयी कार्यवाही की सूचना दूसरे दिन संज्ञान पर, याची पुलिस चौकी पर अपने ड्यूटी कर्तयों के प्रति कितने गैर जिम्मेदार थे।

3.12 यदि याची अपने कर्तव्यों के प्रति संवेदनशील होता तो चौकी से होकर गुजरने वाले 17 खनन के ओवरलोडिंग वाहनों में से किसी न किसी वाहन को पकड़कर वैधानिक कार्यवाही अमल में लायी जाती, परन्तु इससे यह स्पष्ट है कि ओवर लोडिंग वाहनों के संबंध में यह पूर्णरूप से भिज्ञ थे, जिसके परिणाम स्वरूप ही सम्पूर्ण जांचोपरान्त याची को सुनवाई का पूर्ण अवसर दिए जाने के उपरान्त दण्डाधिकारी ने गुण–दोष के आधार पर याचो को नियमानुसार लघु दण्ड से दण्डित किया गया है।

3.13 याची किसी भी प्रकार के अनुतोष प्राप्त करने का विधिक अधिकारी नही है तथा याचिका बलहीन होने के कारण सव्यय निरस्त किये जाने योग्य है। अतः याचिका खारिज होने योग्य है।

4. Rejoinder affidavit has been filed by learned Counsel for the petitioner reiterating the facts contained in the claim petition and denying the material averments contained in the counter affidavit.

5. We have heard the learned Counsel for the petitioner & learned A.P.O. and perused the documents placed before the Tribunal.

6. Learned Counsel for the petitioner submitted written arguments and argued also before the Tribunal. He has submitted that the petitioner performed duties till 08:00 PM on 26.09.2013 hours and handed over charge to Head Constable Ajay Kumar. There were no specific orders directing the petitioner to check the overloaded trucks. The officers at the level of Sub-Inspector and above only can stop the vehicle for checking. No evidence has been given to show that the petitioner was on duty on that night beyond 08:00 PM. No evidence of written or verbal instructions to remain present in the chowki beyond duty hours have also been submitted. The punishment order does not explain specific misconduct committed by the petitioner. The punishment has been awarded on generalized basis on the premise that petitioner is part of police station. The duty to check the trucks was of ASI. So, the act of respondent no. 5 to initiate disciplinary proceedings against the petitioner and awarding penalty is totally uncalled for and the punishment order is liable to be quashed.

7. Learned Counsel for the petitioner has cited the following judgements is support of his arguments:

(i) Nirmala J Jhala v State of Gujarat (2013) 3 SCC 190, evidence recorded in preliminary enquiry has no evidential value. The purpose of holding a preliminary enquiry to know whether department requires further regular enquiry or otherwise. The petitioner in the preliminary enquiry appears as witness. There is no charge against the petitioner in person. No punishment can be awarded on the basis of preliminary enquiry as held by the apex Court in Amalendu Ghosh v North Eastern Railway AIR 1960, SC 992.

(ii) It is settled law in Mavji C Lakum vs. Central Bank of India in Civil Petition No. 2385/200 dated 02.04.2008 that “even enquiry is found to be fair that would be only a finding certifying that all possible opportunities were given to the delinquent and principle of natural justice and fair play was observed. That does not mean that the finding arrived at were essential correct finding.” The preliminary enquiry report is only for the purpose of taking decision by the disciplinary authority about initiation of the regular enquiry. No punishment can be awarded on the basis of preliminary enquiry.

(iii) Respondent ignored the ground raised in the appeal and revision which was mandatory to be considered as per the Hon’ble Apex Court decision in Raj Kumar Mehrotra v State of Bihar, which has been followed in many cases.

(iv) The case of the petitioner is covered under the judgement of this Tribunal in CP No. 40/NB/2021, Rohitas Singh vs. State of Uttarakhand and others, in which the Tribunal set aside the punishment of censure on the ground on non-

consideration of the grounds raised by the government servant.

8. In view of the facts raised in the claim petition and the judgment of the Hon'ble Courts, the punishment order dated 04.08.2014 of SSP, Dehradun; appellate order dated 23.08.2015 of DIG, Garhwal Range; revisional order dated 13.09.2024 of I.G., Garhwal Range, Dehradun, are liable to be set aside and the claim petition is liable to be allowed.

9. Learned A.P.O. argued that the petitioner was out duty in Naya Gaon Chowki from 26/27.09.2013. 17 overloaded trucks were challaned by Circle Officer during the checking of the trucks at the check post. All the staff posted at the check post including the In charge chowki were put under suspension and an inquiry for the lapse on the part of the staff of the chowki was conducted by Circle Officer, Rishikesh and based on the inquiry, the petitioner along with other staff were charge sheeted by the disciplinary authority under Uttar Pradesh Police Officers of the Subordinate Ranks (Punishment and Appeal) Rules, 1991 (as applicable to the State of Uttarakhand).

10. Learned A.P.O. further argued that the petitioner along with chowki in charge were responsible for police outpost Naya Gaon and were required to remain vigilant and take effective statutory action against transport of illegally mined material but they failed to discharge their official duties. The petitioner was present in the outpost at the time of routine checking by Circle Officer, Sadar, Dehradun, who intercepted 17 trucks/ dumpers carrying illegal mining trucks from Asan River to Dehradun city within the jurisdiction of police outpost Nayagaon. Petitioner along with other personnel were found responsible for negligence in the discharge of their duties. The petitioner was served show cause notice and on receiving his explanation, the petitioner was awarded punishment of censure under sub-rule 4 of Rule (4) (1)(b) of Uttar Pradesh Police Officers of the Subordinate Ranks (Punishment and Appeal) Rules, 1991 (as applicable to the State of Uttarakhand) vide order dated

04.08.2014. The petitioner submitted appeal to the appellate authority which was rejected by the appellate authority vide order dated 23.08.2015 on the basis of facts and merits of the case. He filed revision before the revisional authority which was rejected vide order dated 13.09.2024. The departmental proceedings against the petitioner was conducted as per the provision of Rule (4) (1)(b) of Uttar Pradesh Police Officers of the Subordinate Ranks (Punishment and Appeal) Rules, 1991. The petitioner was given sufficient opportunity to defend himself but he failed to submit proper justification against the charges imputed against him. So, in view of the above, the claim petition is liable to be dismissed.

11. Based on the arguments of the parties and the documents placed before the Tribunal, we find that the petitioner has mentioned in the reply to the show cause notice that he was on duty on 26/27/09/2013, the general duty chart also reveals that the he was on duty till 24.00 hours on 26.09.2013, duty chart shows that he was on duty again from 08:00 hrs onwards on 27/9/2013. The time of checking of the overloaded vehicle is not mentioned in the documents submitted and the preliminary inquiry report by the Circle Officer, Rishikesh also has not been made available. Due to non-availability of the preliminary inquiry report, it is not possible to ascertain that the petitioner was on duty at the time of the checking. The petitioner was posted as Head Constable to carry out the office work. No proof of any verbal or written instructions has been given by the respondents that specific order was given to the petitioner directing him to check the overloaded vehicle beyond duty hours by the chowki In charge. The departmental proceeding against the petitioner has been conducted as per the Rule 14 (2) of UP Police officers of the subordinate rank (P. and A) Rules 1991. He has been awarded penalty by the Disciplinary Authority, which has been upheld by the Appellate and Revisional authorities. The petitioner has been penalized on a general basis for the failure of the police chowki to check the movement of the overloaded trucks carrying the mined material without ascertaining the fact there was staff who was not in duty at that time. The respondents failed to give proper

justification for initiating disciplinary proceeding against the petitioner and awarding penalty. So, there was no ground to issue charge sheet to petitioner which is sufficient to quash the penalty imposed on the petitioner. Hence, in view of the above the claim petition is liable to be allowed.

ORDER

The claim petition is allowed. The punishment order dated 04.08.2014 of the Disciplinary Authority, order dated 23.08.2015 of the Appellate authority and the order dated 13.09.2024 of the Revisional authority are hereby quashed. No order as to costs.

(RAJENDRA SINGH)
ACTING CHAIRMAN

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

DATE: 15TH OCTOBER, 2026
DEHRADUN

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