BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
BENCH AT NAINITAL

Present: Hon'ble Mr. Rajendra Singh

------ Acting Chairman

Hon'ble Mr. A.S.Rawat

-------Vice Chairman (A)

CLAIM PETITION NO. 88/NB/DB/2025

Rajeshwar Singh @ Rajeshwar Tamta, aged about 50 years, S/o Sri Joga Ram, Ex-Constable No. 94/1998, r/o Jawahar Jyoti Kumoun Colony Damuwadhunga, Kathgodam District Nainital-263120.

……..Petitioner

Vs.

1. State of Uttarakhand through Principal Secretary, Home Department, Dehradun.
2. Deputy Inspector General of Police Headquarters, 12, Subhash Road, Dehradun.
3. Senior Superintending of Police, Dehradun.
4. Commandant 46th Battalion P.A.C. Rudrapur, District Udham Singh Nagar.

……...Respondents

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

JUDGEMNT

DATED: NOVEMBER 18, 2026

PER: HON'BLE SRI A.S.RAWAT, VICE CHAIRMAN(A)

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

> "*(i) To set aside the impugned order 08-09-2025 and allow the appeal of the petitioner dated 29.08.2025 and quash 11-02-2010 along with its effect and operation also after calling the entire record and further direct the respondents to reinstate the petitioner in service with full back wages-and consequential benefits, had it been the impugned orders are never in existence,*

keeping in view of the facts highlighted in the body of the petition or mould the relief appropriately and to allow the petition in toto.

(ii) To direct the respondents to forthwith release the amount of G.P.F. in favor of the petitioner which was withheld by them along with interest keeping in view of the facts highlighted in the body of the petition or mould the relief appropriately.

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

2. Brief facts of the case are as under:

2.1 The petitioner was appointed as Constable in 46th Battalion P.A.C. Rudrapur District Udham Singh Nagar. The petitioner discharged his duties with utmost satisfaction of his superior authorities and the authorities awarded him good remark and his ACR was excellent.

2.3 In the year of 2008, the petitioner was directed to join his duties in traffic branch under S.S.P., Dehradun and he joined his duties in traffic police under the control of the S.S.P., but the petitioner has lien with the 46th Battalion P.A.C. While posted at Traffic Police, Dehradun, due to some family problems, the petitioner applied for leave and he sanctioned 07 day leave from 23.12.2008 to 30.12.2008. But during the leave period, the petitioner lost his sense and become mentally ill. Since there was no one knowledgeable person in the family thus no one has informed to office about his illness, but during this period he was kept on getting medical treatment both from Hospital as well as domestic priest (डंगरिया).

2.4 Due to unauthorized absence, a departmental enquiry was constituted against the petitioner and he was called by the enquiry officer at that time the petitioner got some sense from the treatment from his village priest (डंगरिया) and on calling of the enquiry officer appeared before him 05.02.2010 and after giving his statements again the health of the petitioner was not in his control, thus he again admitted by his family members to an hospital. Thereafter the disciplinary authority by violating the principles of natural justice and

without issuing show cause notice to the petitioner directly passed the impugned order dated 11.02.2010 just after six days of the recording of his statement before the enquiry officer.

2.5 There was no occasion to invoke and exercise authority under Rule 8(2)(b) U.P. Police Officers of the Subordinate Rank (Punishment and Appeal) Rules 1991 without undertaking any exercise in the direction of holding of the enquiry and mechanically it has been mentioned that inquiry into the matter is neither reasonable nor practicably possible, as such authority in question has been colourably exercised.

2.6 Rule 8 of U.P. Police Officers of the Subordinate Rank (Punishment and Appeal) Rules 1991, relevant in present context, is being quoted below:

> "Rule 8: Dismissal and Removal:-
>
> (1) No Police Officer shall be dismissed or removed from service by an authority subordinate to the appointing authority.
>
> (2) No police officer shall be dismissed, removed or reduced in rank
>
> except after proper inquiry and disciplinary proceedings as contemplated by these rules.
>
> (3) Provided that this rule shall not apply
>
> (a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction 3 on a criminal charge; or
>
> (b) Where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason to be recorded by that authority in writing, it is not reasonably practicable to hold such enquiry; or
>
> (c) Where the Government is satisfied that in the interest of the security of the State is not expedient to hold such enquiry.
>
> (3) All orders of dismissal and removal of Head Constables or Constables shall be passed by the Superintendent of Police. Cases in which the Superintendent of Police recommends dismissal or removal of a Sub Inspector or an Inspector shall be forwarded to the Deputy Inspector General concerned for orders.
>
> (4) (a) The punishment for intentionally or negligently allowing a person in police custody or judicial custody to escape shall be

> dismissal unless the punishing authority for reasons to be recorded in writing awards a lessor punishment.
>
> (b) Every officer convicted by the Court for an offence involving moral turpitude shall be dismissed unless the punishing authority for reasons to be recorded in writing considers it otherwise.

2.7 Since the very initiation of the entire disciplinary proceedings from the stage of show cause notice is bad and the entire act of the disciplinary authority is illegal and not tenable in the eyes of law. The departmental enquiry is not an empty formality and the disciplinary authority are exercising *quashi-judicial* function which requires to follow the principle of natural justice and fairness in every act because the fate of an employee is involved and in the instant case the entire exercise is against the principle of natural justice and fair play but the respondents were failed to comply the provisions of the law. Apart from this the constitutional provisions as enshrined under article 311 are also applicable to every Rules regulating the discipline and appeal matters.

2.8 No charge sheet has ever been served to the petitioner by the disciplinary authority before allowing the disciplinary proceedings and the manner in which the sham show and the alleged disciplinary proceedings has been conducted the same are in violation to the rules as well as principles of natural justice and actually the alleged proceedings is no proceedings in the eyes of law and thus the impugned orders along with disciplinary proceedings are liable to be quashed on this count.

2.9 Although the charges leveled against the petitioner were not under the control of the petitioner but are due to his mental condition and the respondent no. 3 without giving opportunity had ex-partly terminated the services of the petitioner which is illegal and against the principle of natural justice, but the petitioner has been awarded the extreme punishment of dismissal by the respondent authorities, which is totally disproportionate to the charges leveled against the petitioner and the same certainly shocks the court's judicial conscience.

2.10 The allegation to remain absent from duty deliberately and thereafter committing indiscipline could not be substantiated against the petitioner unless it was proved that the petitioner's absence was deliberate and intentional. The petitioner remained under treatment and right of medical aid from the best possible doctor could not be denied or overlooked on the basis of para 381 and 382 of police regulation.

2.11 There is glaring error in the order of termination to this effect that he has applied the rules no work no pay. In the instant case the right to livelihood of the petitioner has been taken away by the departmental authorities by applying wrong provisions of law, hence from their own wrong the petitioner cannot be subjected to the aforesaid rules, because he has not left or denied to work at his own will but due to compelling circumstances on account of malafied act of the respondents by passing the illegal orders.

2.12 The entire disciplinary proceedings initiated against the petitioner is illegal, arbitrary and against the provisions of law as well as the against the judgments of the Hon'ble Apex Court passed in State of Uttarakhand and others V/s Kharak Singh reported in (2008)2 SCC (L&S) 698 and State of Uttar Pradesh and others vs. Saroj Kumar Sinha reported in (2010) 2 SCC 772.

2.13 Feeling aggrieved by the dismissal order dated 11.02.2010, the petitioner preferred statuary appeal before the respondent no.2 on 29.08.2025 and requested the appellate authority to cancel the punishment order dated 11.02.2010. The appellate authority fails to discharge his obligatory duties and rejected the appeal on 08.09.2025 in cursory and stereo type manner and ignored the grounds raised by the petitioner and also ignored the provisions of law and also against the judgments of the Hon'ble Apex Court as well as the Judgments of the various High Courts.

2.14 The petitioner remained under treatment at nearest dispensary and hospital but due to his poor mental condition was not in touch with the respondent department, but the respondent department being discipline department has not contacted to the family of the petitioner to find out his status and directly by adopting shortcut method terminated the service of the petitioner and this facts was not considered by the respondent no.2 in the appeal and on the ground of delay rejected the appeal of the petitioner.

2.15 The right of medical aid from the best possible doctor could not be denied or overlooked on the basis of para 381 and 381 of police regulation.

2.16 After completing more than 10 years of service, the respondent authorities ousted the petitioner from service at the very threshold and without making proper enquiry and not given opportunity of hearing and put the petitioner in mid-stream of his life to suffer from starvation along with his dependents and family members. Thus, the impugned order is liable to be set aside. It is further relevant to mention here that the respondents have also withheld the amount of G.P.F of the petitioner and till date not released the same.

2.17 The allegation to remain absent from duty deliberately and thereafter committing indiscipline could not be substantiated against the petitioner unless it was proved that the petitioner absence was deliberate and intentional. It is settled law that when a departmental enquiry is conducted against the government servant it cannot be treated as a casual exercise, the enquiry proceedings cannot be conducted with a closed mind set. The disciplinary authority as well as the enquiry officer has to be wholly unbiased. The rules of natural justice are required to be observed to ensure not only that the justice is done but it manifestly.

2.18 Since the respondents have made their mind to punish the petitioner and therefore the disciplinary authority and the appellate authority ignoring the grounds of the appeal rejected the appeal in a cursory manner. As per the provisions of Uttar Pradesh Police Officers of The Subordinate Ranks (Punishment and Appeal) Rules 1991(Adoption and Modification Orders 2002) and Uttarakhand Police Act 2007 the limitation for filing an appeal against any punishment is 90 days, But the Hon'ble High Courts and Hon'ble Public Service Tribunal in various judgments has hold that "every *lis*, as far as possible, should be decided on its merits". The various Hon'ble High Court and this Tribunal in its various judgments remanded back the cases where the appeal has been dismissed on the ground of delay. But in the instant case the appellate authority despite of the fact that the petitioner filed the decision dated 26.12.2023 of the Hon'ble Tribunal passed in the claim petition no.15/NB/SB/2023 "Head Constable Santosh Prasad vs. State of Uttarakhand and others" along with his appeal rejected the appeal on the ground of delay and ignored the legal maxim.

2.19 The mental condition of the petitioner was not good w.e.f. 23.12.2008 and he lost his sense and his family members admitted him various hospital but the doctors were failed to diagnose the disease of the petitioner, since the family condition of the petitioner was not good and he has one disabled child on whose treatment the family has to expense money, thus the family returned back the petitioner to home and started the domestic treatment including the spiritual treatment (देव बाधा, झाड फूक), after the spiritual treatment there was some progress in the health of the petitioner and ultimately in the year of 2025 the doctors declared him fit and thereafter in the month of May 2025, the petitioner contacted his working place at 46 Battalion P.A.C. and asked about his status of service, then he came to know that he was transferred to District Dehradun. Thereafter, the petitioner asked his family about any communication from his department then the family members shown the letter dated

11.02.2010 to him and after getting the copy of the order dated 11.02.2010 he was very shocked and came to know that his services were terminated vide order dated 11.02.2010.Thereafter the petitioner contacted to an Advocate at Haldwani, who after looking into the termination order asked the petitioner about filing of an appeal, then the petitioner told him that his mental condition was not good and he has no knowledge and now after getting well he contacted to you for advise in the matter, then the Advocate advised him to file appeal against the termination order dated 11.02.2010 without any further delay and also told that the limitation for filing of appeal is 90 days.

2.20 Thereafter the petitioner without any further delay, filed the department appeal as prescribed in Uttar Pradesh Police Officers of The Subordinate Ranks (Punishment and Appeal) Rules 1991(Adoption and Modification Orders 2002) and Uttarakhand Police Act. But the appellate authority in cursory manner rejected the appeal of the petitioner on the ground of delay ignoring the judgment relied by the petitioner of this Hon'ble Tribunal.

2.21 The appellate authority is duty bound to pass reasoned orders dealing with contentions of the employees but in the instant case the appellate authority not exercised his powers conferred to him and only on the ground of delay rejected the appeal. It is relevant to mention here that the Hon'ble Apex Court in the case of "Deokinandan Sharma Vs. Union of India & others" Reported in 2001 (5) SCC 340, has held the appellate authority is duty bound to pass reasoned order dealing with the petitioner contentions. In the case of Ram Chander Vs Union of India and Union of India Vs Tulsiram Patel the Hon'ble Apex Court has held that while deciding statuary appeal the appellate authority is required to give hearing to the government servant concerned and also pass reasoned order dealing with the contentions raised in the appeal. Further pertinent to mention here that in the case of "State of Uttaranchal & others Vs. Kharak Singh" Reported in 2008 (8) SCC the Hon'ble Apex Court has held that the appellate authority

is required to support his decision with reference to enquiry records. The Hon'ble Supreme Court of India in Case of State of Uttar Pradesh and others Vs. Saroj Kumar Sinha reported in (2010) 2 SCC 772 has held that enquiry officer should be wholly unbiased. The enquiry officer should not act as prosecutor as well as judge.

2.22 In the present case aforesaid procedure has not been observed. Since no oral evidence has been examined the documents have not been proved and could not have been taken into consideration to conclude that the charges have been proved against the petitioner. When a departmental enquiry is conducted against the government servant it cannot be treated as a casual exercise. The enquiry proceedings cannot be conducted with a closed mind set. The enquiry officer has to be wholly unbiased. The rules of natural justice are required to be observed to ensure not only that the justice is done but it manifestly seen to be done. The object of rules of natural justice is to be ensure that a government servant is treated fairly in proceedings which may culminate in imposition of punishment including dismissal/removal from service. The act of the respondents is arbitrary, malafide and illegal and against the provisions of the article 14, 16 and 21 of the constitution of India and also opposes to the public policy which is violative to the article 23 of the contract Act.

3. C.A./W.S. has been filed on behalf of the respondents denying the contents of the claim petition and has stated that-

3.1 दिनांक 11–2–2010 को कान्स 94 टी०पी० राजेश्वर सिंह जनपद देहरादून में यातायात पुलिस देहरादून में नियुक्त के दौरान दिनांकः 23–12–2008 को पूर्व स्वीकृत 7 दिवस आकस्मिक अवकाश पर रवाना किया गया था, जिसे बाद अवकाश समाप्ति के दिनांकः 30–12–2008 को अपनी ड्यूटी पर उपस्थित हो जाना चाहिए था, परन्तु याची बिना किसी सूचना/अवकाश स्वीकृत कराए अनाधिकृत रूप से अनुपस्थित हो गये। याची के दिसम्बर 2008 से लगातार अनुपस्थित रहने तथा इस संबंध में याची द्वारा कोई सूचना पुलिस कार्यालय में उपलब्ध नहीं कराने पर आदेश संख्याः न–16/2010 दिनांकितः 07–01–2010 लगभग 12 माह के उपरान्त उनके कृत्य के लिए तत्काल प्रभाव से 1/2 वेतन/भत्तों

पर निलम्बित किया गया तथा जिसकी प्रारम्भिक जॉच सहायक पुलिस अधीक्षक, यातायात के सुपुर्द की गयी।

3.2 याची ने प्रारम्भिक जॉच अधिकारी के समक्ष दिनांकः 05–02–2010 को उपस्थित होकर अपने बयान अंकित कराए गये। याची ने अभिकथन कराने के उपरान्त भी अपनी अनाधिकृत अनुपस्थिति से पुलिस लाईन देहरादून में वापसी नहीं करायी गयी। याची को प्रारम्भिक जाँच में सुनवाई का पूर्ण अवसर प्रदान करते हुए अपने पक्ष में साक्ष्य रखने का भी पर्याप्त अवसर प्रदान किया गया, परन्तु याची स्वेच्छा से अनाधिकृत रूप से अनुपस्थित रहें तथा अनुपस्थिति के संबंध में कोई सूचना अपनी नियुक्ति जनपद प्राधिकारियों को नही दिया गया, जो अनुशासित पुलिस बल में नियुक्त रहते हुए याची का कृत्य एवं आचरण घोर निंदनीय व स्वेच्छाचारिता का द्योतक होना पाया गया।

3.3 याची के विरूद्ध प्रचलित विभागीय प्रारम्भिक जॉच में बिना अवकाश/अनुमति के स्वेच्छा से लगातार अनुपस्थित रहने का पूर्णरूप से दोषी पाया गया। जाँच प्राप्त होने के उपरान्त दण्डाधिकारी ने याची के अनुपस्थिति/जॉच कार्यवाही का गहनता से परिशीलन कर मनन किया गया तथा याची के लगातार बिना किसी सूचना के अनाधिकृत रूप से अनुपस्थित रहने पर याची के प्रकरण में सामान्य विभागीय प्रक्रिया पर अधिक समय लगने की सम्भावनाओं के दृष्टिगत इस समयावधि में याची के पुलिस बल में बने रहने से इसकी अनुशासनहीनता का कुप्रभाव अन्य पुलिस कार्मिकों पर निश्चित रूप से पड़ने के फलस्वरूप याची के विरूद्ध आगे विभागीय कार्यवाही जाँच करना युक्तियुक्त व्यवहारिक नहीं पाया गया।

3.4 दण्डाधिकारी ने याची के प्रकरण पर मनन करने के उपरान्त भारी मन से अन्य पुलिस बल पर याची के कृत्य का प्रभाव न पड़े, इसके लिए जनहित एवं जनपद पुलिस में उच्चकोटि का अनुशासन एवं मनोबल बनाये रखने हेतु विभागीय हित में याची को उत्तराखण्ड अधीनस्थ श्रेणी के पुलिस अधिकारियों की (दण्ड एवं अपील) नियमावली 1991, अनुकूलन एवं उपान्तरण आदेश–2002 के नियम–8(2) (ख) में निहित प्राविधानों एवं शक्तियों का प्रयोग करते हुए निलम्बित याची आरक्षी यातायात को उसके कृत्यों एवं आचरण हेतु पूर्णरूप से दोषी पाते हुए आदेश संख्याः न–16/2010 दिनांकितः 11–02–2010 के द्वारा आदेश की तिथि से तत्काल प्रभाव से पुलिस बल की सेवा से पदच्युत किये जाने के आदेश पारित किए गये। अतः याची किसी भी प्रकार क अनुतोष प्राप्त करने का विधिक अधिकारी नही हैं तथा याचिका बलहीन होने के कारण सव्यव निरस्त किये जाने योग्य है।

4. The ppetitioner has filed Rejoinder-Affidavit in which he has denied assertions of written statement and re-iterated his stand taken in the claim petition.

5. We have heard learned Counsel for the parties and perused the record.

6. Learned Counsel for the petitioner has submitted that during the posting of the petitioner in traffic branch under S.S.P., Dehradun the petitioner was sanctioned 07 days casual leave from 23.12.2008 to 30.12.2008. During the leave period, the petitioner lost his sense and became mentally ill. He kept on getting medical treatment both from Hospital as well as domestic priest. A departmental enquiry was instituted against the petitioner, and he was called by the enquiry officer, he appeared before enquiry officer on 05.02.2010 and after giving his statements, he was again admitted in a hospital. The disciplinary authority without issuing show cause notice to the petitioner directly passed the impugned order dated 11.02.2010.

Learned Counsel for the petitioner argued that the respondent instead of giving reasonable opportunity to defend the petitioner, invoked Rule 8(2)(b) U.P. Police Officers of the Subordinate Rank (Punishment and Appeal) Rules 1991 concluded that it is not practicably possible to hold inquiry. No charge sheet was served to the petitioner by the disciplinary authority, Respondent No. 3 before initiating the disciplinary proceedings. The petitioner was terminated ex-parte by the respondent no. 3 without giving opportunity. The petitioner has been awarded the punishment of dismissal, which is disproportionate to the charges leveled against the petitioner.

By applying the wrong provisions of the laws, the disciplinary Authority has taken away the right to livelihood of the petitioner.

The petitioner filed an appeal to Respondents No 2 on 29.08.2025 against the dismissal order dated 11.02.2010. The appellate authority ignored the grounds raised by the petitioner and on the grounds of delay on 08.09.2025 upheld the decision of the disciplinary authority. After completing more than 10 years of service, the respondent authorities ousted the petitioner from service without

making proper enquiry and giving opportunity of hearing. The respondents have also withheld the amount of G.P.F of the petitioner and till date it has not released.

As per the provisions of Uttar Pradesh Police Officers of The Subordinate Ranks (Punishment and Appeal) Rules 1991 (Adoption and Modification Orders 2002) and Uttarakhand Police Act 2007 the limitation for filing an appeal against any punishment is 90 days, But the Hon'ble High Courts and Hon'ble Public Service Tribunal in various judgments has held that "every *lis*, as far as possible, should be decided on its merits". The various Hon'ble High Court and this Tribunal in its various judgments remanded back the cases where the appeal has been dismissed on the ground of delay. But in the instant case the appellate authority despite the fact that the petitioner filed the decision dated 26.12.2023 of the Hon'ble Tribunal passed in the claim petition no.15/NB/SB/2023 "Head Constable Santosh Prasad vs. State of Uttarakhand and others" along with his appeal rejected the appeal on the ground of delay and ignored the legal maxim.

Learned counsel for the petitioner further argued that the appellate authority did not pass a reasoned order and rejected the appeal which against the law established by the Hon'ble Courts in the following cases :

i) In the case of "***Deokinandan Sharma Vs. Union of India & others" Reported in 2001 (5) SCC 340***, has held the appellate authority is duty bound to pass reasoned order dealing with the petitioner contentions.

ii) In the case of ***Ram Chander Vs Union of India and Union of India Vs Tulsiram Patel***, the Hon'ble Apex Court has held that while deciding statuary appeal the appellate authority is required to give hearing to the government servant concerned and also pass reasoned order dealing with the contentions raised in the appeal.

iii) In the case of "***State of Uttaranchal & others Vs. Kharak Singh" Reported in 2008 (8) SCC***, the Hon'ble Apex Court has held that

the appellate authority is required to support his decision with reference to enquiry records.

iv) In case of ***Suresh Chandra Dubey Vs. State of UP*** , Hon'ble High Court of Allahabad, Lucknow Bench has held that the Rule 8(2) of 1991 Rules and the provision to the Clause (2) of Article 311 of the constitution are akin and it is now well settled principle of law that a constitutional right conferred upon a delinquent cannot be dispensed with lightly or arbitrarily or out of ulterior or merely in order to avoid to holding of an inquiry.

v) The Hon'ble Supreme Court of India in Case of ***State of Uttar Pradesh and others Vs. Saroj Kumar Sinha reported in (2010) 2 SCC 772*** has held that enquiry officer should be wholly unbiased. The enquiry officer should not act as prosecutor as well as judge.

In the present case the procedure as per the rule has not been observed. No oral evidence has been examined and the documents which have not been proved should not have been taken into consideration to conclude that the charges have been proved against the petitioner. In view of the above the impugned orders are liable to be quashed and the claim petition is liable to be allowed.

7. Learned A.P.O. argued that the petitioner proceeded on 7 days casual leave on 23.12.2008 but did not join his duties. He remained absent unauthorizedly since December 2008 for which he was put under suspension on 07/01/2010 and preliminary inquiry was entrusted to Astt. Superintendent of Police, Traffic. The petitioner appeared before the Inquiry officer on 05/02/2010 but did not join duties. He was given the opportunity to put his defence during the preliminary inquiry but he did not give information of his absence to appointing authority. The act and the conduct of the petitioner is arbitrary which is highly condemnable.

The petitioner was found guilty of wilful absence/absence without leave application. Upon receiving the inquiry report it was thoroughly examined by the disciplinary authority. In view of continued absence of the petitioner from duties without application and

possibility of delay in conducting departmental proceedings, the disciplinary authority concluded that the continued indiscipline of the petitioner would have an adverse effect on the other police personnel, so further inquiry in the matter was not justified.

Having considered the fact, the petitioner's action will have adverse impact on the other police personnel, in the interest of the department and to maintain highest degree of discipline and morale of the district police personnel , the disciplinary authority exercised the power under Rule 8(2) of the Uttarakhand Subordinate Police Officer (Punishment and appeal) Rule 1991 and Adoption and Modification Order ,2002 passed the order dated *08-09-2025* of dismissing the petitioner from the service. Hence, the claim petition is liable to be dismissed.

8. Based on the arguments of the parties and the documents placed before the Tribunal, we found that the partitioner remained absent unauthorizedly after getting the casual leave sanctioned from 23.12.2008 to 30.12.2008. He did not inform about his absence. The disciplinary authority ordered a preliminary inquiry, which the petitioner attended. But he did not join his duty afterwards. No charge sheet was issued to the petitioner; no formal inquiry was conducted and the disciplinary authority dismissed him from the service *suo motu* under Rule 8(2) of Uttar Pradesh Police Officers of the Subordinate Ranks (Punishment and Appeal) Rules, 1991. The petitioner has put more than 10 years of the service before his dismissal from the service, his GPF has not been paid to him. Rule 8(2) provides that "*No police officer shall be dismissed, removed or reduced in rank except after proper inquiry and disciplinary proceedings as contemplated by these rules*." Above rule has not been followed by the respondents here. Rule 8(3) (b) provides "*where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason to be recorded by that authority in writing, it is not reasonably practicable to hold such enquiry*". Here the reason given by the

authorities for not holding an inquiry is not appropriate to obviate the inquiry. Hence, the action of the respondents is not in conformity with rules laid down under the aforesaid Rules as well as law laid down by the various judgements of the Hon'ble Apex Court and the Hon'ble High Court of Allahabad. In view of the above the impugned orders 08.09.2025 and 11.02.2010 are liable to be quashed and the claim petition is liable to be allowed.

ORDER

The claim petition is hereby allowed. The impugned orders dated 08-09-2025 and 11-02-2010 are hereby quashed. The respondents are directed to reinstate the petitioner in service and release all the consequential benefits within three months from the date of presentation of the certified copy of the judgement. However, the respondents are at liberty to reinitiate the disciplinary proceedings against petitioner. No order as to costs.

(RAJENDRA SINGH)
ACTING CHAIRMAN

(A.S.RAWAT)
VICE CHAIRMAN (A)

DATE: NOVEMBER 18, 2026
DEHRADUN.
KNP