

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

CLAIM PETITION NO. 04/SB/2023

Arun Kumar, s/o Late Sri Harbir Singh, r/o C-14, P.S. Clementown,
Dehradun.

.....Petitioner

VS.

1. State of Uttarakhand through Secretary, Home, Govt. of Uttarakhand, Dehradun.
2. Inspector General of Police, Garhwal Region, State of Uttarakhand, Dehradun.
3. Senior Superintendent of Police, District Dehradun, Uttarakhand.

....Respondents.

Present: Sri Abhishek Chamoli, Advocate, for the petitioner
Sri V.P.Devrani, A.P.O., for the Respondent No.1.

JUDGMENT

DATED: JANUARY 04, 2023

Justice U.C.Dhyani (Oral)

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

- (i) To quash and set aside impugned order No. D-20/19 dated 15.06.2019 of respondent no.3, by which punishment of censure entry was awarded in the service record of the petitioner, had the impugned order never been in existence, keeping in view the fact highlighted in the body of the petition.

(ii) To quash and set aside order dated 21.01.2020 of respondent no.2 by which departmental appeal of the petitioner was rejected by the respondent no.2.

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

2. At the very outset, Ld. A.P.O. objected to the maintainability of the claim petition, *inter alia*, on the ground that the same is barred by limitation in view of Section 5(1)(b) of the Uttar Pradesh Public Services (Tribunal) Act, 1976. Ld. A.P.O. further submitted that the claim petition is also beyond condonable time-period, on account of pandemic Covid-19 in view of the decision rendered by Hon'ble Apex Court in *Suo Motu* Writ Petition (CIVIL) No(s).03/2020.

3. In reply, Ld. Counsel for the petitioner submitted that the petitioner has filed a revision under Rule 23 of the Uttar Pradesh Police Officers of Subordinate Ranks (Punishment and Appeal) Rules, 1991, which may kindly be directed to be decided by the competent authority, in accordance with law, at an early date. Ld. A.P.O. submitted that if a direction is given by the Tribunal to the competent authority to decide the revision of the petitioner, in accordance with law, he has no objection to such innocuous prayer.

4. Ld. Counsel for the petitioner drew attention of this Tribunal towards the judgment dated 04.08.2022, passed by this Tribunal in Claim Petition No. 95/SB/2020, Gunanand Sati vs. State & others, to argue that in a similar matter, the respondent department has expunged the censure entry of the petitioner, hence, a direction may kindly be given to the competent authority to decide the revision of the petitioner in the similar way. Ld. A.P.O. submitted that the cases of present petitioner and petitioner of Claim Petition No. 95/SB/2020 are different.

5. Without prejudice to rival contentions, the claim petition is disposed of, at the admission stage, by directing the competent authority to decide the revision of the petitioner, filed under Rule 23 of the Uttar

Pradesh Police Officers of Subordinate Ranks (Punishment and Appeal) Rules, 1991, in accordance with law, without unreasonable delay, on presentation of certified copy of this order. No order as to costs.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JANUARY 04, 2023
DEHRADUN

VM