

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

**CLAIM PETITION NO.74/SB/2023**

Vijay Pratap Singh S/o Sh. Meher Singh R/o Currently Posted at GRP Haridwar.

..... Petitioner

Vs.

1. State of Uttarakhand through Secretary Home Gov. of Uttarakhand.
2. Dy. Inspector, General of Police, Garhwal Region, State of Uttarakhand.
3. Superintendent of Police, District Rudrapryag, State of Uttarakhand.

.....Respondents

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

**JUDGMENT**

**DATED: APRIL 12, 2023.**

**Justice U.C.Dhyani (Oral)**

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

“i) To quash and set aside Impugned Order No. D-11/2018 dated 28/06/2018 of respondent no. 3 by which punishment of censure entry was awarded in the Service record of the petitioner had it been the impugned order was never being in existence keeping in view of the facts highlighted in the body of the petition.

(ii) To quash and set aside order dated 30/11/2018 of respondent no. 2 by which Departmental Appeal of the petitioner was rejected by the respondent no.2.

(iii) To pass an order or direction in favour of petitioner declaring, end to the effect and operation of Impugned order dated 28/06/2018 of respondent no. 3 by which censure entry was awarded in the character roll of the petitioner under the prevailing Old Rules, which were effective for 3 year from the date of passing impugned Order dated 28/06/2018 (which ended in June 2021) and direct the respondents to grant the petitioner all consequential service benefits which are kept withheld by the respondents.

(iv) To issue any other order or direction which this court may deem fit and proper in the circumstances of this case in the favour of the petitioner.

(v) To award the cost of the Petition.”

2. Ld. A.P.O. submitted that reliefs number (i) and (ii) are barred by limitation in view of Section 5(1)(b) of the Public Services (Tribunal) Act,1976.

3. Ld. Counsel for the petitioner pressed relief no. (iii), reserving his right to approach appropriate forum at an appropriate time in respect of other reliefs.

4. Ld. Counsel for the petitioner prayed that a declaration be given that the effect of censure entry dated 28.06.2018 which has been affirmed by the appellate authority vide order dated 30.11.2018, has come to an end. According to Circular No. 3/K-551-82 dated 17.07.1991 of U.P.PHQ, Allahabad-I, the effect of petty punishments shall be for one year, effect of censure entry and adverse entry shall be for three years end effect of withholding of integrity shall be for five years. The new Rules, the Uttarakhand Procedure of Selection for Promotion in the State Services (Outside the Purview of the Public Service Commission) (Amendment) Rules, 2018, have come into force on 07.09.2018, according to which the effect of censure entry will be for five years. Since the censure entry was awarded on 28.06.2018, appeal against which was dismissed on 30.11.2018, therefore, the petitioner's case will not be covered by the Rules of 2018.

5            In this way, since the effect of censure entry dated 28.06.2018, which has been affirmed on 30.11.2018, has come to an end, therefore, it is directed that the impugned order dated 28.06.2018 and appellate order dated 30.11.2018 shall not come in the way of petitioner's service benefits in future [provided all other things remain equal].

6.            The claim petition is disposed of at the admission stage.

**(JUSTICE U.C.DHYANI)**  
CHAIRMAN

*DATE: APRIL 12, 2023*  
*DEHRADUN*

VM