

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

Present: Hon'ble Mr. Justice U.C. Dhyani

----- Chairman

Hon'ble Mr. Rajeev Gupta

-----Vice Chairman (A)

**Claim Petition No. 30/SB/2023**

Pramod Kumar, Assistant Sub Inspector (Ministerial), posted at  
Police Office, Rudraprayag.

.....Petitioner

versus

1. The Government of Uttarakhand through Secretary, Home Department, Subhash Road, Dehradun.
2. The Deputy Inspector General of Police, State Disaster Response Force, New Building, Garhwal Range Office, Dehradun
3. The Commandant, State Disaster Response Force, Jolly Grant, Dehradun.
4. Sri Gajender Parwal, Inspector, SDRF, Jolly Grant, Dehradun.

..... Respondents

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

**Judgement**

**Dated: 03<sup>rd</sup> August, 2023**

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

Present claim petition has been filed by the petitioner, who is, at present, posted as Assistant Sub Inspector (Ministerial) in Police Office, Rudraprayag, being aggrieved against punishment order dated 16.09.2021, passed by respondent no. 3/ Commandant, S.D.R.F, and appellate order dated 19.09.2022,

passed by respondent no. 2/ D.I.G., S.D.R.F., whereby his departmental appeal has been rejected.

2. The imputation against the petitioner is that when was posted in S.D.R.F. Office, PHQ Dehradun, the names of various officers/ employees of S.D.R.F. for commendation/ police medal were sent on the occasion of Independence Day, 2021. Such names were to be forwarded to the concerned by PHQ. The petitioner, on telephone, demanded illegal gratification from Company Commander, Sri Gajender Singh Parwal for sending the names of the officials working in the (police establishment). The petitioner, while demanding gratification from the Company Commander, said that if some money is given, the work can be done. This incident was made viral in the social media sites and newspapers. The image of disciplined police force was got tarnished in the estimation of general public. The petitioner was, therefore, 'censured' for his misconduct.

3. Before that, a showcase notice was given to him under the relevant rules. He replied to the same. The disciplinary authority was not satisfied with such reply and therefore, directed 'censure entry' in the A.C.R. of the petitioner for the year 2021.

4. Aggrieved against the same, petitioner preferred departmental appeal. The appellate authority dismissed the same.

5. Being aggrieved against both the orders, present claim petition has been filed by the petitioner along with supporting documents.

6. Detailed counter affidavits have been filed on behalf of the respondents. Documents have also been filed in support thereof. Sri Mani Kant Mishra, Commandant, S.D.R.F., Jolly Grant, Dehradun, has filed counter affidavit on behalf of respondents no. 1 to 3. Sri Gajendra Singh Parwal, Inspector, S.D.R.F., Jolly Grant, Dehradun, has filed counter affidavit on his behalf denying the

material pleas given in the petition. According to both the C.A.s, the claim petition lacks merit, the petition is devoid of merits and is liable to be dismissed.

7. Rejoinder affidavit thereto has been filed by the petitioner.

8. After arguing the claim petition at some length, learned Counsel for the petitioner submitted that the petitioner wants to file the revision under Rule 23 of U.P. Police Officers of the Subordinate Ranks (Punishment and Appeal) Rules, 1991 (as applicable to the State of Uttarakhand). Such liberty is granted to the petitioner.

9. This Tribunal, in claim petition no. 38/SB/2020, Deepak Chaudhary vs. State of Uttarakhand and others; claim petition no. 60/SB/2021, Sandeep Kumar vs. State of Uttarakhand and others; claim petition no. 96/SB/2021, Manoj Sirola vs. State of Uttarakhand and others; and claim petition no. 32/SB/2020, Mohan Singh Kathait vs. State of Uttarakhand and others; has observed that “the U.P. Police Officers of the Subordinate Ranks (Punishment and Appeal) Rules, 1991, have been framed under the Indian Police Act, 1861. No rules or regulations have, so far been framed under the Uttarakhand Police Act, 2007, and therefore, the remedy of revision is available to the petitioner inasmuch as it is not inconsistent with the provisions of Uttarakhand Police Act, 2007 and therefore, revision will lie.”

10. Without prejudice to rival contentions, the claim petition is disposed of by giving liberty to the petitioner to submit an application for revision to the Authority next in rank above by which his appeal has been rejected, within four weeks from today. The delay in filing such application is condoned in the interest of justice [Section 5 of the Limitation Act, 1963 applies to the applications also].

10. If such revision is filed by the petitioner, within the aforesaid period, the competent authority shall decide the same without unreasonable delay, in accordance with law. No order as to costs.

**(RAJEEV GUPTA)**  
VICE CHAIRMAN (A)

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

*DATE: 03<sup>rd</sup> August, 2023*  
*DEHRADUN*  
*RS*