

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

**CLAIM PETITION NO. 178/SB/2022**

Ankit Rawat, s/o Late Sri Satish Singh Rawat, Constable/ Armed Police, r/o Village- Ratanpur Sukrow Kotdwar, Pauri Garhwal, presently posted at Civil Police Line, Haridwar..

**.....Petitioner**

**VS.**

1. The Government of Uttarakhand through Secretary, Home Department, Subhash Marg, Dehradun.
2. The Director General of Police, Police Headquarters, Dehradun.
3. The Inspector General of Police, Police Headquarters, Dehradun.
4. The Deputy Inspector General of Police, Garhwal Range, Uttarakhand.
5. The Senior Superintendent of Police, District Haridwar, Uttarakhand.

**.....Respondents.**

Present: Sri Uttam Singh, Advocate, for the petitioner.  
Sri Kishore Kumar, A.P.O., for the Respondent State.(*virtually*)

**JUDGMENT**

**DATED: OCTOBER 05, 2023**

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

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

“(I) Issue a writ or direction to quash the punishment order dated 17.02.2021 and appellate authority order dated 24.12.2021 (Annexure: A-1 and Annexure: A-3).

(b) Issue a writ or direction to pay the salary for intervening period of suspension from 31.10.2018 to 28.12.2018.

(c) 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.

(d) Award the cost of petition to the petitioner.”

2. The petitioner has made two fold prayers *viz-* (i) setting aside punishment order and (ii) payment of salary for the period of suspension.

3. The disciplinary authority passed an order on 17.02.2021 (Annexure: A-1), which was upheld by the appellate authority *vide* order dated 24.12.2021 (Annexure: A-3). These orders are under challenge in present claim petition.

4. Ld. Counsel for the petitioner submitted that the disciplinary authority has passed an order for reduction of the petitioner to the lowest pay scale for a period of one year. This, the disciplinary authority has done in exercise of powers under Rule 4(1)(a)(iii) of the U.P. Police Officers of Subordinate Ranks (Punishment and Appeal) Rules, 1991 (for short, the Rules). It is the submission of Ld. Counsel for the petitioner that major punishment has been given to the petitioner without following due procedure (prescribed for major punishment).

5. Alternatively, Ld. Counsel for the petitioner submitted, that there is no mention of reduction in rank for a specific period (say, one year) under Rule 4(1)(a) (iii) of the Rules. Ld. Counsel for the petitioner, therefore, submitted that if minor penalty has been given to the petitioner, the effect of the same has come to an end.

6. According to Ld. Counsel for the petitioner, the impugned orders should be set aside on these grounds alone.

7. In addition to the above, Ld. Counsel for the petitioner submitted that the petitioner himself assisted the Police team in arresting the under trial prisoner, who escaped from custody of the Police, and this is the reason that the State Government did not grant permission to prosecute him, as an

accused, in case FIR No. 326/ 18 under Sections 223, 224, 225/34 IPC, P.S. Baba Haridas Nagar, Delhi. The photocopy of order dated 18.01.2022, passed by D.I.G./ SSP, Haridwar, has been brought on record with Rejoinder Affidavit (to the Counter Affidavit filed on behalf of Respondents No. 1 to 5). This, according to Ld. Counsel for the petitioner, speaks in volumes, about the innocence of the petitioner.

8. In reply, Ld. A.P.O. drew attention of the Tribunal towards application dated 27.01.2020 (Copy- Annexure: CA- R 7) to submit that the petitioner has tendered apology in his letter addressed to S.P. City, District Haridwar, thereby admitting his guilt.

8.1 Ld. Counsel for the petitioner pointed out that the petitioner has narrated the circumstances under which such incident took place and he has also mentioned ( in such application) that it is on the basis of information given by him, that the accused/ under trial prisoner was arrested by the C.I.U., Roorkee.

9. Ld. Counsel for the petitioner prayed that the petitioner wants to highlight and bring all these facts, factual as well as legal, to the notice of the Revisional Authority, therefore, he may be granted liberty to file revision before the appropriate authority.

10. This Tribunal, in a number of decisions, has held that statutory revision may be filed by the delinquent before the Competent Authority, as per law.

11. Ld. A.P.O. has no objection, if liberty is granted to the petitioner to file the statutory revision.

12. Liberty is, therefore, granted to the petitioner to file statutory revision against the impugned punishment order and appellate order before the Revisional Authority, as per law. If such revision is filed, Revisional Authority is requested to decide the same, without unreasonable delay, in accordance with law. Delay, if any, in filing the same is hereby condoned, in the interest of justice.

13. So far as second prayer is concerned, there is a provision in Para 54-B, Financial Hand Book (Vol. 2 to 4 ), which reads as under:

**“54-B (1) When a Government servant who has been suspended is reinstated or would have been so reinstated but for his retirement on superannuation while under suspension, the authority competent to order reinstatement shall consider and make a specific order—**

**(a) regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with reinstatement or the date of his retirement on superannuation as the case may be; and**

**(b) whether or not the said period shall be treated as a period spent on duty.**

**(2).....”**

14. Petitioner may make an application to the Competent Authority under Para 54-B, Financial Hand Book (Vol. 2 to 4 ). If such application is filed, the Competent Authority is directed to decide such application with utmost expedition, preferably within twelve weeks of presentation of certified copy of this order.

15. The claim petition thus stands disposed of. No order as to costs.

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

*DATE: OCTOBER 05, 2023.  
DEHRADUN*

*VM*