

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

**CLAIM PETITION NO. 28/SB/2023**

Pramod Kumar, aged about 45 years, s/o Sri Suresh Chandra, presently posted as Sub-Inspector, Kotwali, Mussoorie, District Dehradun.

**.....Petitioner**

**VS.**

1. State of Uttarakhand through Secretary, Home, Civil Secretariat, 4 Subhash Road, Dehradun.
2. Deputy Inspector General of Police, Garhwal Range, DIG Office, Dehradun.
3. Senior Superintendent of Police, Dehradun, Office of SSP, Dehradun.

**.....Respondents.**

Present: Sri Shashank Pandey, Advocate, for the petitioner.  
Sri V.P.Devrani, A.P.O., for the Respondens.

**JUDGMENT**

**DATED: FEBRUARY 01, 2024**

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

By means of present claim petition, petitioner, *inter alia*, seeks the following relief:

“i) To issue order or direction to set aside orders dated 13.07.2021 passed by the Respondent No.3 and order dated 21.01.2022 passed by the Respondent No.2.”

2. In connection with case crime no. 46/2021, registered at P.S. Rajpur, district Dehradun, a show cause notice regarding laxity in investigation, was given to the petitioner. Petitioner replied to such notice. The disciplinary authority was not satisfied with such reply. Consequently, such

authority awarded censure entry to the petitioner for the year 2021, *vide* order dated 13.07.2021. Feeling aggrieved against the same, petitioner filed departmental appeal before the appellate authority, who dismissed such appeal *vide* order dated 21.01.2022 while affirming the findings of the disciplinary authority.

2.1 Aggrieved against both the above noted orders, petitioner has filed present claim petition.

3. The claim petition has been contested on behalf of the respondents by filing written statement. Counter Affidavit has been filed by Sri Ajay Kumar, S.S.P., Dehradun, for such respondents.

4. At the very outset, Ld. Counsel for the petitioner drew attention of the Bench towards sub-para a to j of Para 5 of the claim petition to submit that the petitioner wants to highlight the vital points as well as grounds taken by him in claim petition before the revisional authority, therefore, the petitioner may be given liberty to file the revision against the impugned orders, before the revisional authority. In reply, Ld. A.P.O. submitted that permission of the Tribunal is not required for filing statutory revision. Petitioner can do it on his own.

5. Ld. Counsel for the parties submitted that such an order can be passed by Single Bench of the Tribunal.

6. Rule 23 of the Uttar Pradesh Police Officers of Subordinate Ranks (Punishment and Appeal) Rules, 1991 (for short, 1991 Rules), as applicable to State of Uttarakhand, reads as below:

**“23. Revision-**(1) An officer whose appeal has rejected by any authority subordinate to the Government is entitled to submit an application for revision to the authority next in rank above by which his appeal has been rejected within the period of three months from the date rejection of appeal . on such an application the power of revision may be exercised only when in consequent of flagrant irregularity , there appears to have been material injustice or miscarriage of justice.

.....

.....

(2) .....

[Emphasis supplied]

7. In this context, it will be apt to reproduce order dated 24.12.2021 passed by Hon'ble High Court in WPSS No. 1451 of 2021, hereinbelow for convenience:

"As would be apparent from the scrutinization of the impugned orders, which are challenged by the petitioner in the present writ petition.

The order of punishment has been imposed upon the petitioner by the respondents authority, while exercising their powers under Uttar Pradesh Police Officers and Subordinate Rank, Rules, 1991, which has been made applicable, even after the enforcement of the Uttarakhand Police Act, 2007.

As a consequence of the set of allegations of misconduct levelled against the petitioner, by virtue of the impugned order, which has been passed while exercising the powers under Section 23 (1) (d) of the Uttarakhand Police Act, 2007, the petitioner was placed under the lowest in the cadre for a period of one year. As against the principal order of punishment passed by the Deputy Inspector General of Police, on 20.02.2021, the petitioner preferred an appeal under the Rules of 1991, which too has been dismissed.

Under the Rules of 1991, if any person is aggrieved by an appellate order, imposing the punishment for the misconduct, provided under the Rules, a provision of revision has been contemplated under Rule 23 of the Rules.

Hence, this writ petition is dismissed with the liberty left open for the petitioner to approach before the next superior authority, to the appellate authority to file a revision under Rule 23 of the Rules of 1991."

8. The petitioner, therefore, has statutory remedy to file revision under Rule 23 of the Rules of 1991, which opportunity cannot be denied to him by the Tribunal, inasmuch as, to file revision is his entitlement.

9. The claim petition thus stands disposed of, leaving it open to the petitioner to file statutory revision under Rule 23 of the Rules of 1991, as prayed for by him. Delay in filing the same is condoned in the interest of justice. No order as to costs.

10. Rival contentions are left open.

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

*DATE: FEBRUARY 01, 2024.*  
*DEHRADUN*