

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL  
BENCH AT NAINITAL**

Present: Hon'ble Mr. Ram Singh

-----Vice Chairman (J)

Hon'ble Mr. A.S.NAYAL

-----MEMBER (A)

**CLAIM PETITION NO. 24/NB/SB/2016**

Surendra Singh Koranga, S/o Sri Gopal Singh Koranga, R/o S.K. Puram,  
Kusumkhera, Haldwani, District Nainital.

.....Petitioner

**VERSUS**

1. State of Uttarakhand through Secretary, Home, Dehradun.
2. Director General of Police, Uttarakhand, Dehradun.
3. Additional Director General of Police, Administration, Police  
Headquarters, Uttarakhand Police, Dehradun.
4. Inspector General of Police, Kumaon Division, Nainital.
5. Superintendent of Police, Udham Singh Nagar.
6. Additional Superintendent of Police, Udham Singh Nagar.

.....Respondents

Present: Sri D.S.Mehta, Ld. Counsel  
for the petitioner  
Sri V.P.Devrani, Ld. A.P.O.  
for the respondents

**JUDGMENT**

**DATE: OCTOBER 09, 2018**

**HON'BLE MR. RAM SINGH, VICE CHAIRMAN (J)**

1. The petitioner has filed this claim petition for the following  
reliefs:-

*“a) to call the entire record and quash the  
impugned order dated 30.12.2013 (Annexure-1)*

*passed by the respondent no. 6 and order dated 27.09.2014 (Annexure: 2).*

*b) to issue any other order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.*

*c) Award cost of the petition."*

2. Briefly stated, the facts of the case are that while posted as Sub-Inspector (Station House Officer at Chowki Sakaniya P.S. Gadarpur, District Udham Singh Nagar) on 18.11.2013, a show cause notice was issued to the petitioner, stating that he did not complete the investigation, relating to FIR No. 66/13, under Section 420, 506 IPC w.e.f. 11.04.2013 to 03.07.2013 and did not record any statement of complainant and the witnesses under Section 161 CrPC, till the period of two months and hence, he was prima facie found guilty of negligence and inefficiency by the superior officers.

3. After receiving the show cause notice, petitioner submitted its reply. According to the petition, without considering his reply to show cause notice and without appreciating the actual facts and circumstances, respondent No. 6 passed the impugned order dated 13.12.2013 and recorded a censure entry in the Character roll of the petitioner.

4. The impugned order was challenged in the departmental appeal, but his appeal was dismissed in a cursory manner vide order dated 27.09.2014. Against the order dated 27.09.2014 passed in appeal, petitioner also preferred a revision before respondent no. 3 which was decided, mentioning it as non-maintainable, hence this petition was filed on the following grounds:-

- That the petitioner was not at fault while conducting the investigation of the case as he issued a show cause notice under Section 91 CrPC to complainant but he did not submit

necessary documents and later on, investigation of the case was transferred to another Sub-Inspector.

- That the complainant did not appear before the investigating officer till 12.08.2013 and the departmental inquiry officer without considering the facts, charged the petitioner for negligence on duty.
- That the petitioner having an unblemished and satisfactory service record, was punished without following the provisions of U.P. Police Regulations and the provisions of U.P. Police Officers of the Subordinate Rank (Punishment & Appeal) Rules, 1991 and the impugned orders, against the petitioner were passed violating the principles of natural justice.

5. The petition was opposed by the respondents, with the contention that petitioner was assigned the investigation of a Criminal Case No. 66/2013 on 11.04.2013, but he did not complete the investigation for a period of two months, neither statement of complainant nor of the witnesses were recorded and nothing was done in the investigation till 03.07.2013 by him, which clearly comes in the category of misconduct, negligent and dereliction of duty, assigned to him. According to respondents, on the basis of said negligence, a preliminary inquiry was conducted as per rules through C.O., Bazpur, the petitioner participated in the inquiry proceedings, his statement was recorded, he was given due opportunity of hearing and after inquiry, he was found guilty. After submission of the inquiry report, the Disciplinary Authority, agreeing with the same, issued a show cause notice to the petitioner on 18.11.2013, which was served on him on 24.11.2013; reply to the show cause notice submitted by the petitioner on 11.12.2013, was duly considered and the same was found unsatisfactory and respondent no. 6 has rightly punished the petitioner. According to respondents, the appeal of the petitioner was found baseless and appellate authority rightly passed a speaking and

reasoned order, rejecting his appeal. The punishment order as well as appellate order are legally perfect, correct and valid in the eye of law and therefore, needs no interference. Hence, the petition deserves to be dismissed.

6. The petitioner has submitted rejoinder affidavit and reiterated the facts mentioned in the petition.

7. We have heard both the parties and perused the record.

8. It is an admitted fact that the petitioner was assigned investigation of a criminal case and according to respondents, as per the provisions of Criminal Procedure Code, he was duty bound to complete the investigation by recording the statement of complainant and other witnesses at the earliest but petitioner did not conduct the investigation and also did not record the statement of complainant and witnesses for a period of more than two month and on account of his negligence, a preliminary inquiry was conducted through C.O., Bazpur.

9. This court finds that during the inquiry, petitioner was given due opportunity of hearing; his statements were also recorded in the inquiry; the inquiry officer recorded his finding on the basis of evidence and, the facts admitted to both the sides and it was found that petitioner's inaction in conducting the investigation, was proved. The inquiry officer submitted his detailed inquiry report which was duly taken into consideration by the Disciplinary Authority and agreeing with the conclusion drawn by the inquiry officer, a show cause notice was issued to petitioner by the Disciplinary Authority.

10. The record also reveals that petitioner submitted his reply to show cause notice, which was duly considered by the Disciplinary Authority and finding the reply unsatisfactory, Disciplinary Authority found the petitioner guilty of negligence and dereliction of duty and passed the impugned punishment order of censure entry.

11. This court is of the view that the Disciplinary Authority while passing the sentence, adopted the procedure set by law. The petitioner was afforded sufficient opportunity of hearing. This court cannot go into the subjective satisfaction of the Disciplinary Authority. There is no procedural lacuna in the proceedings and a reasoned order was passed by the Disciplinary Authority.

12. The appeal filed by the petitioner was considered thoroughly and after considering all the facts, narrated by the petitioner in his appeal, the Appellate Authority also passed a detailed order and dismissed his appeal. There is no procedural lacuna in deciding the appeal.

13. Learned A.P.O. on behalf of the respondents has argued that there is no provision of revision under the new Police Act, hence, the revision filed by the petitioner was treated as not maintainable and it was decided accordingly. This court is in agreement with the argument of respondents.

14. Hence, in view of the above facts, this court is of the view that there is no ground of interference in the impugned orders, passed by the Disciplinary Authority and the Appellate Authority, hence, petition has no merit and deserves to be dismissed.

### **ORDER**

The claim petition is hereby dismissed. No order as to costs.

**(A.S.NAYAL)**  
MEMBER (A)

**(RAM SINGH)**  
VICE CHAIRMAN (J)

*DATE: OCTOBER 09, 2018*  
*NAINITAL*

*KNP*