

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

Present: Hon'ble Mr. Rajeev Gupta  
-----Vice Chairman (A)

**CLAIM PETITION NO. 14/NB/SB/2021**

Lady Sub Inspector Civil Police Juli Rana, aged about 32 years, d/o Yashveer Singh r/o Village and Post Nagla Salaroo, Tehsil Roorkee, District Haridwar, presently posted as Lady Sub Inspector Civil Police, P.S. Sitarganj, District Udham Singh Nagar.

.....Petitioner

**vs.**

1. State of Uttarakhand through Secretary Home, District Dehradun.
2. D.I.G., Kumaon Range, Nainital.
3. S.S.P., Udham Singh Nagar.

.....Respondents

Present: Smt. Monika Pant & Sri Ajay Joshi, Advocates, for the petitioner.  
Sri Kishore Kumar, A.P.O., for the Respondents.

**JUDGMENT**

**DATED: MARCH 17, 2022**

This claim petition has been filed seeking the following reliefs:

*“(i) To quash preliminary enquiry report dated 29.02.2020 conducted by Additional Superintendent of Police, Rudrapur, Udham Singh Nagar (Annexure No. 1), impugned penalty order dated 18.08.2020 passed by S.S.P. Udham Singh Nagar (Annexure No. 2) and order dated 07.12.2020 passed by D.I.G. Kumaon Range Nainital (Annexure No. 3).*

*(ii) To pass any appropriate order as learned Tribunal may please to think, fit and proper according to facts, reasons and circumstances of the case.*

*(iii) To allow the petition with cost.”*

2. Brief facts as mentioned in the claim petition are as follows:

Petitioner, a Lady Sub-Inspector was posted at Police Station, Sitarganj, district Udham Singh Nagar, when ongoing investigation of FIR No. 400 of 2018 u/s 363 IPC was transferred to her. At that time, the petitioner

was at advanced stage of pregnancy and soon she left on maternity/medical leaves. The petitioner was travelling a lot and thus in order to keep herself connected with work and investigation, she had made photocopies of the Case Diary (C.D.) *Parchas* handed over to her in original. In the meantime, in order to secure proper advice from superior/legal adviser, the petitioner sent original C.D. to the office of Prosecuting Officer but C.D. *Parchas* no. 13,14,15 & 16 were lost. She searched these *Parchas* at P.S. Sitarganj and in the office of Prosecuting Officer but these C.D. *Parchas* could not be found. In the meantime, she mistakenly endorsed *Parcha* No. 17 as *Parcha* No. 13 but having discovered aforesaid mistake recorrected and endorsed the same as *Parcha* No. 13 and also annexed photocopies of C.D. *Parchas* no. 13,14,15 and 16 available with her.

On the direction of S.S.P., Udham Singh Nagar, Additional S.P. Rudrapur conducted preliminary enquiry in the matter, who in violation of principles of natural justice and without considering that C.D. *Parchas* were missing without any fault on her part, submitted his enquiry report to S.S.P., Udham Singh Nagar. While petitioner was on maternity leave, she was forced to give her statement on social messenger and she had to submit her reply without knowing the exact case against her.

Based upon the above enquiry report, S.S.P., Udham Singh Nagar issued a show cause notice to the petitioner, to which, petitioner promptly submitted her reply. Without considering the version of the petitioner, S.S.P., Udham Singh Nagar imposed upon her a penalty of censure for the year 2020 *vide* the impugned order dated 18.08.2020 (Annexure No. 2). The petitioner appealed against this penalty order before I.G. Kumaon Region under the U.P. Police Officers of the Subordinate Ranks (Punishment & Appeal) Rules, 1991 as modified and adopted in 2002 (hereinafter referred to as the Rules of 1991), which was rejected *vide* impugned order dated 07.12.2020 (Annexure No. 3).

The above impugned orders have been passed in mechanical manner without appreciating the facts in proper perspective and the charges are

vague and the punishment is harsh and disproportionate to the alleged act or omission.

Hence the claim petition.

3. Counter Affidavit has been filed on behalf of the respondents mainly stating that during investigation, the petitioner attached photocopies of the C.D. *Parchas* No. 13, 14, 15 and 16 with other C.D. *Parchas* as the original C.D. *Parchas* No. 13 to 16 were lost and the petitioner made cutting on the C.D. *Parcha* No. 17 to make it as No. 13 which is indicative of gross negligence, indiscipline, laxity etc. It has further been stated that in the matter of the petitioner, the provisions of Rules of 1991 and Section 23 (2) (b) of the Uttarakhand Police Act, 2007 have been meticulously followed and after perusal of written reply of the petitioner and other documents, the penalty of 'censure' has been imposed. Petitioner's appeal has also been rejected as the same was baseless and without force.

4. Rejoinder Affidavit has been filed by the petitioner reiterating the averments made in the claim petition.

5. I have heard learned Counsel for the parties and perused the record.

6. The S.S.P., Udham Singh Nagar in his impugned order dated 18.08.2020 has mentioned that he has deeply and seriously considered the explanation of the petitioner and the record available on the file. He has narrated in the impugned order what the petitioner has mentioned in her explanation briefly as below:

The applicant took over investigation on 20.03.2019, in which 16 *Parchas* in Case Diary had been recorded. Hon'ble High Court had summoned all records and Case Diary in writ petition No. 689 of 2019 and in that correspondence and handing over and taking over of C.D., *Parchas* No. 13 to 16 were inadvertently misplaced. The applicant had enclosed photocopies of these *Parchas* after their certification, pursuant to which there was an inadvertent mistake in Serial number of the C.D. *Parchas* due

to which the applicant corrected Serial number. The applicant has not done any wrong act to favour somebody. After C.D. *Parcha* no. 12, the serial number had become wrong which the applicant arranged serially and Hon'ble Court has punished the accused. The applicant may kindly be pardoned keeping her future in view.

7. The S.S.P., Udham Singh Nagar has rejected the above explanation of the petitioner, pointing out the contradiction in the statement given by the petitioner during preliminary enquiry and the facts mentioned in her explanation. Before the enquiry officer, she had stated that for legal opinion, the original Case Diary was sent to the Prosecution Office through *Pairokar*. She searched the offices of Police Station and Prosecution for the missing C.D. *Parchas* no. 13 to 16 but could not get them. Photocopies of C.D. *Parchas* no. 13 to 16 were enclosed with the original C.D. after their verification from P.S. Sitarganj. The show cause notice has been issued to the petitioner after her negligence has been found on the basis of statements of witnesses in the Preliminary Enquiry and documentary evidence. Thus, petitioner's explanation is without force and is not found to be satisfactory. Consequently the 'censure entry' for the year 2020 has been ordered to be recorded in the Character Roll of the petitioner.

8. The Tribunal finds that S.S.P., Udham Singh Nagar has duly considered the explanation of the petitioner and finding contradictions between her statements made in the Preliminary Enquiry and in the explanation has found that her conduct shows gross negligence towards her duties, indiscipline, laxity, wiful working (*swechchhacharita*) as recorded in the show cause notice. The petitioner's apology for her inadvertent mistakes in her explanation to the show cause notice also amounts to her admission, in view of which more detailed order by the disciplinary authority was not required.

9. The Tribunal however, observes that the censure entry has been ordered to be recorded in the Character Roll of the petitioner for the year 2020, while it should be for the year 2019 when the investigation of the case

was with the petitioner during which the aforesaid acts of negligence etc. took place. The impugned punishment order deserves to be amended to this extent.

10. In her appeal to the I.G. Kumaon Region, the petitioner has raised many legal points. The Appellate Authority has considered and dealt with all the points in his 23 pages-long appellate order dated 07.12.2020 (Annexure No. 3) and rejected the appeal. The Tribunal does not find it necessary to reproduce the same in detail.

11. The claim petition also states that the punishment is harsh and disproportionate to alleged act or omission. The Tribunal, however, finds that the censure entry is the smallest minor penalty, which can be imposed on the petitioner, according to the Rules of 1991. Other petty punishments prescribed in the Rules of 1991 are only for constables and are not applicable to persons working as Sub-Inspector. The only other choice before the Disciplinary Authority was to forgive the petitioner which he has not chosen in the circumstances of the case. The Tribunal also holds that there was no intention of the petitioner to give undue benefits to somebody but her conduct shows negligence towards her duty and wilful cutting and numbering of the C.D. *Parchas*, for which the Disciplinary Authority has imposed a minor penalty on her, which calls for no interference by this Tribunal except the change of year for which the censure entry is to be recorded.

12. In view of the above, the claim petition is hereby dismissed without any interference in the impugned orders, except that the censure entry ordered to be recorded in the Character Roll of the petitioner shall be for the year 2019 instead of the year 2020. No order as to costs.

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

DATED: MARCH 17, 2022  
DEHRADUN.  
KNP