

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

CLAIM PETITION NO. 09/SB/2025

Himani Panwar, aged about 33 years, S.I., Civil Police, presently posted at P.S. Maneri, District Uttarkashi, permanent residence- Bahadurpur, Central Hope Town, Selaqui, Dehradun, Uttarakhand.

.....Petitioner

VS.

1. State of Uttarakhand through Secretary, Home, Secretariat, Dehradun.
2. Deputy Inspector General of Police, Dehradun/ Senior Superintendent of Police, Dehradun.
3. Inspector General of Police, Dehradun.

.....Respondents.

Present: Sri Manoj Singh Bisht, Sri J.S. Bisht &
Sri Nikhilesh Nabial, Advocates, for the petitioner.(online)
Sri V.P.Devrani, A.P.O., for State Respondents.

JUDGMENT

DATED: JANUARY 16, 2025

Justice U.C.Dhyani (Oral)

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

- “1. To quash and set aside the appellate order No. C.G.O.-C.A. 03 (Tehri Garhwal)/2023 dated 09.02.2024 issued by Respondent

No.3 and consequently to quash the order dated 17.01.2023 in Da-29/2022 issued by the Respondent No.2 against the petitioner.

II. To direct the Respondents to reimburse the cost of the present claim petition.

III. To give any other relief which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. Petitioner has filed affidavit in support of the claim petition. Relevant documents have also been brought on record along with the same.

3. Petitioner was given censure entry for conducting a careless investigation and gross negligence towards her duties, description of which has been given in the order dated 17.01.2023, passed by Senior Superintendent of Police, Tehri Garhwal (Annexure: 1). Petitioner filed departmental appeal against the same, which (departmental appeal) was dismissed by the Inspector General of Police, Garhwal Region, Uttarakhand (appellate authority) *vide* order dated 09.02.2024 (Annexure: 2).

4. Ld. Counsel for the petitioner drew attention of the Tribunal towards Para No. A to H, taken in the claim petition, to submit that the petitioner wants to file revision against the impugned orders to highlight these points before the revisional authority, therefore, liberty may be granted to the petitioner to file statutory revision. The Tribunal need not reproduce those grounds, for, they are already part of record.

5. In reply, Ld. A.P.O. submitted that permission of the Tribunal is not required for filing statutory revision. Petitioner can do it on her own. It is her entitlement.

6. Rule 23 of the Uttar Pradesh Police Officers of Subordinate Ranks (Punishment and Appeal) Rules, 1991, 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. Hon'ble Court passed order on 24.12.2021 in WPSS No. 1451 of 2021, as follows:

"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."

[Emphasis supplied]

8. The petitioner, therefore, has statutory remedy to file revision under Rule 23 of the Rules of 1991, which opportunity cannot be denied to her by the Tribunal, inasmuch as, to file revision is her entitlement. Delay, if any, in filing the revision is condoned, in the interest of justice.

9. The 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. No order as to costs.

10. Rival contentions are left open.

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JANUARY 16, 2025.
DEHRADUN

VM