

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

Present: Hon'ble Mr. Ram Singh

----- Vice Chairman (J)

Hon'ble Mr. D.K.Kotia

-----Vice Chairman (A)

CLAIM PETITION NO. 35/DB/2016

Smt. Pratibha, W/o Sri Adesh Kumar, presently posted as Sub-Inspector, Vikas Nagar, Dehradun.

.....**Petitioner**

VERSUS

1. State of Uttarakhand through Principal Secretary, Home, Civil Secretariat, Dehradun.
2. Director General of Police, Uttarakhand, Police Headquarters, Dehradun.
3. Inspector General of Police, Garhwal Region, Dehradun.
4. Deputy Inspector General of Police, Garhwal Region, Dehradun.
5. Senior Superintending of Police, Dehradun, Uttarakhand.

.....**Respondents**

Present: Sri Shashank Pandey, Ld. Counsel
for the petitioner
Sri Umesh Dhaundiyal, Ld. A.P.O.
for the respondents.

JUDGMENT

DATED: MARCH 21, 2018

HON'BLE MR. D.K.KOTIA, VICE CHAIRMAN (A)

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

“a) To issue order or direction quashing the order dated 30.01.2013 vide which her salary and other allowances have been stopped (Annexure: A1).

b) To issue order or direction quashing the order dated 01.08.2014 vide which the petitioner’s appeal has been rejected (Annexure: A2).

c) To issue order or direction quashing the order dated 24.07.2015 vide which the petitioner’s revision has been rejected (Annexure: A3).

d) To issue order or direction directing the respondents to give the bonus to the petitioner along with an interest of 18% p.a from the date it was payable to the date it is actually paid.

e) Any other relief that the Hon’ble Tribunal may deem proper.

f) Cost of petition to the petitioner”.

2. The petitioner is a Sub-Inspector in the Uttarakhand Police.

3. The petitioner has challenged the order dated 30.01.2013 (Annexure: A1) by which the S.S.P., Dehradun has passed an order for non-payment of salary for 3 days due to petitioner’s absence on duty on the basis of “No work no pay” principle.

4. The contention of the petitioner is that the petitioner was not given any show cause notice for not paying the salary for 3 days.

5. Perusal of record reveals that the petitioner has not been given a separate show cause notice for non-payment of salary for 3 days. In the W.S. filed by the respondents, it has also not been stated that a separate show cause notice was given for

non-payment of salary. Learned A.P.O. admitted that a separate show cause notice was not given to the petitioner for non-payment of salary for 3 days for the period of absence of the petitioner.

6. In view of the fact that the impugned order dated 30.01.2013 for non-payment of salary to the petitioner has been passed without giving an opportunity to the petitioner for her explanation, the order dated 30.01.2013 cannot sustain in the eye of law.

7. Accordingly, the order dated 30.1.2013 (Annexure: A1) is hereby set aside. However, the respondents may initiate the action afresh in accordance with rules/law, if they so desire. No order as to costs.

(RAM SINGH)
VICE CHAIRMAN (J)

(D.K.KOTIA)
VICE CHAIRMAN (A)

DATE: MARCH 21, 2018
DEHRADUN

KNP