

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

Present: Hon'ble Mr. Justice U.C.Dhyani
----- Chairman

Hon'ble Mr. A.S.Nayal
-----Member (A)

CLAIM PETITION NO. 71/DB/2018

Yunus Beg aged about 38 years, s/o Late Sri Zahid Beg, presently posted as Constable, Police Line, Rudraprayag.

.....Petitioner

vs.

1. State of Uttarakhand through Superintendent of Police, Rudraprayag.
2. Deputy Inspector General of Police, Garhwal Division, Dehradun.

.....Respondents.

Present: Sri Shashank Pandey & Ms. Akanksha Juyal, Counsel for the petitioner.
Sarvsri U.C.Dhaundiyl & V.P.Devrani, A.P.Os., for Respondents

JUDGMENT

DATED: FEBRUARY 04, 2019

Justice U.C.Dhyani (Oral)

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

- “ (i) To issue an order or direction directing the respondent department to set aside the punishment order dated 09.02.2018 and the punishment order dated 21.07.2018 and the petitioner be paid his entire salary.
- (ii) To grant any other relief which the Hon'ble Tribunal deems fit in the given facts and circumstances of the present case.”

2. Brief facts, giving rise to present claim petition, are as follows:

The petitioner is presently posted as Constable in Police Lines, Rudraprayag. In the year 2016, Deputy Inspector General of Police, Garhwal, Uttarakhand wrote a letter dated 12.08.2016 to the Director General of Police, Uttarakhand, Police Headquarters, Dehradun stating therein that it has come to his knowledge that petitioner posted certain articles on face book relating to religious fanaticism and terrorist activities and the case was being transferred to S.S.P., STF and later on, on the basis of evidence received in support of the allegation against the petitioner, the case was being handed over to the S.P., Rudraprayag for initiating a departmental inquiry against the petitioner. Petitioner was issued charge sheet on 28.07.2017 alleging therein that he shared posts on face book relating to religious fanaticism, which were proved in the initial inquiry. He filed reply to the charge sheet on 16.09.2017. The disciplinary authority being not satisfied with the reply of the petitioner, passed punishment order on 09.02.2018, under Section 14(1)(ka)(3) of the Uttar Pradesh Police Officers of Subordinate Rank(Punishment & Appeal) Rules, 1991, holding him guilty and reduced the salary of the petitioner to a minimum scale for a period of one year. Petitioner filed appeal dated 06.06.2018 against the impugned order dated 09.02.2018, which was rejected by respondent no.2 *vide* order dated 21.07.2018. Hence, present claim petition.

3. At the very outset, Ld. A.P.Os. stated that the claim petition shall render infructuous within 3-4 days and, therefore, no useful purpose will be served by deciding the same on merits. They submitted that the petitioner was awarded reduction of salary to minimum pay scale only for a period of one year, which one year is about to be completed within 3-4 days and thereafter the petitioner would regain his original pay scale.
4. After arguing the claim petition at some length, Ld. Counsel for petitioner seeks to withdraw the claim petition, with liberty to file the same in due course, if required, in accordance with law.
5. Ld. A.P.Os. have no objection to such innocuous prayer of Ld. Counsel for the petitioner.

6. The claim petition is, accordingly disposed of as withdrawn, with liberty as above.

(A.S.NAYAL)
MEMBER (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: FEBRUARY 04, 2019
DEHRADUN

VM