

**STATE PUBLIC SERVICE TRIBUNAL, INDIRA BHAWAN
LUCKNOW**

COURT NO. 6

CLAIM PETITION NO. 539/2022

MOHAMMAD NUSRAT KHAN (Urdu Translator/Senior Assistant) aged about 48 years, Son of Late Mohammad Haneef Khan, Resident of Village Dingurapur, Post Dhakera, Thana Laharpur District Sitapur.

Petitioner

Versus

- 1- State of U.P. through Principal Secretary Home, Government of U.P. Civil Secretariat, Lucknow.
- 2- Inspector General of Police, Lucknow Range Lucknow.
- 3- Superintendent of Police Sitapur.

Opposite parties

Shri Mohammad Nasir, Counsel for petitioner

Presenting Officer on behalf of the O.Ps

JUDGMENT

(Delivered by Hon'ble Dr. Anil Kumar Singh, Member (Judicial))

The instant claim petition filed under Section 4 of the U.P. State Public Services Tribunal Act 1976 with the prayer that impugned order dated 09-08-2021 passed by O.Ps no. 3 and appellate order dated 31-12-2021 passed by O.Ps no. 2 be quashed with all consequential service benefits.

- 2- Briefly stated the facts of the case are that petitioner, a Urdu Anuvadak was served with a show cause notice dated 15-02-2021 which is reproduced below;-

“जब सहायक उर्दू अनुवादक वर्ष 2020 में पुलिस अधीक्षक कार्यालय सीतापुर में सीआरके चतुर्थ के पटल का कार्य देख रहे थे तो महिला आरक्षी संध्या तिवारी पीएनओ नं० 192666422 पुलिस लाईन सीतापुर द्वारा पुलिस अधीक्षक को सम्बोधित करते हुये खुद का चयन सहायक अध्यापक के पद पर हो जाने के फलस्वरूप काउंसिलिंग हेतु एनओसी प्रदान किये जाने हेतु प्रार्थना पत्र दिनांक 12.10.2020 को प्रेषित किया गया था, जिस पर नियमानुसार पत्रावली सं० व-48/2020 प्रचलित होकर जांच हेतु कार्यालय क्षेत्राधिकारी लाईन में प्राप्त हुआ था। उक्त प्रकरण में जांचोपरांत महिला आरक्षी संध्या तिवारी को एनओसी प्रदान किये जाने के सम्बन्ध में संस्तुति सहित कुल आठ वर्क दिनांक 21.10.2020 को इस सहायक उर्दू अनुवादक को प्राप्त कराया गया, परन्तु इनके द्वारा महिला आरक्षी का उपरोक्त एनओसी प्रमाण पत्र निर्गत

किये जाने हेतु पुलिस अधीक्षक के समक्ष प्रस्तुत न कर अनावश्यक रूप से लम्बित रखते हैं। इस प्रकरण की प्रारम्भिक श्री अभिषेक प्रताप अजय, क्षेत्राधिकारी लाईन, सीतापुर से करायी गयी, जिसमे इन्हे उक्त कृत्य के लिये दोषी पाया गया है। इनका उक्त कृत्य पुलिस जैसे अनुशासित बल मे रहते हुये घोर अनुशासनहीनता, अकर्मण्यता, स्वेच्छाचारित एवं लापरवाही बरती गयी है।”

To know the veracity of the charge, a preliminary inquiry was constituted against the petitioner and Shri Abhishek Pratap Ajay, Circle Officer Line Sitapur was nominated Inquiry Officer who submitted his report on 08-01-2021 holding the petitioner guilty. Petitioner submitted his reply to the show cause notice on 04-03-2021 denying the charge levelled upon him. On receipt of inquiry report and reply of the petitioner, the O.Ps without considering the points raised in the reply submitted by the petitioner passed impugned order dated 09-08-2021 in an arbitrary and illegal manner. Being aggrieved with the above order, the petitioner has filed an appeal which has been rejected vide order dated 31-12-2021 in summary and cursory manner. Hence the present claim petition.

3- Off the petition, O.Ps have been apprised of. The assertion made by the petitioner in the claim petition have been refuted by the O.Ps and contended that whilst the petitioner was posted as Urdu Anuvadak in the office of Superintendent of Police Sitapur, the work of CRK-IV was assigned to him. It is contended that a lady Constable Sandhya Tiwari submitted an application on 12-10-2020 regarding her selection as Assistant Teacher and prays for No Objection Certificate. It is stated that after investigation and after approval, the file containing 08 pages was handed over to the petitioner in respect of granting NOC to the lady Constable Sandhya Tiwari. It is contended that petitioner did not put in the file before Superintendent of Police Sitapur and kept pending unnecessarily. A preliminary inquiry was constituted against the petitioner and Shri Abhishek Pratap Ajay, Circle Officer Line Sitapur was nominated as Inquiry Officer who submitted his report on 08-01-2021 holding the petitioner guilty. Thereafter a show cause notice along with copy of inquiry report was served to the petitioner and after obtaining the reply of the petitioner, considering the points raised by him in his reply as well as inquiry report, the punishment order has been passed. The statement of the petitioner and other relevant witnesses were

recorded during the course of inquiry. Similarly the appeal moved by the petitioner have been turned down. No legal or procedural infirmity has been committed in passing the punishment order which called no interference.

4- Against the aforesaid written submission of the opposite parties Rejoinder affidavit has been filed by the petitioner and its perusal transpires that again the facts mentioned in the petition have been reiterated.

6- Heard the submissions of learned counsel of the petitioner as well as P.O on behalf of the opposite parties and perused the record.

7- The learned counsel for the petitioner submitted that during the course of inquiry, the statement of witness other than petitioner was not recorded in order to confirm what he has been stated in the inquiry and no written documents were got proved. The impugned order of punishment has been passed without considering the issues raised in the reply of the petitioner. Therefore the order impugned is not sustainable in the eyes of law. Similarly the appeal of the petitioner has been rejected in a cursory and arbitrary manner.

8- The learned P.O has argued that inquiry was conducted in the matter and petitioner was given full opportunity of defence. The punishment has been passed after considering the reply submitted by the petitioner and no legal or procedural infirmity has been committed in passing the punishment order which called no interference.

9- The learned counsel for the petitioner focused mainly on the point that during the course of inquiry, the statement of witness other than petitioner was not recorded in order to confirm the statement of petitioner and no written documents were got proved by the inquiry officer.

10- I have perused entire record carefully and find that in reply to the show cause notice, the petitioner has shifted his responsibility to one Shri Mahendra Mishra, Head Clerk whose statement has been also recorded by the inquiry officer during the course of inquiry. Shri Mahendra Mishra has specifically denied the allegation imposed by petitioner and stated that file related to Sandhya Tiwari were never given to him. Petitioner did not put in the file in question before the

O.Ps no. 3 for further order and kept pending unnecessarily. It is urged that on application for issuing of NOC moved by a lady Constable Sandhya Tiwari, after investigation the approval for issuing NOC was granted and file containing 08 pages was got received by the petitioner but he did not place the file before O.ps no. 3 deliberately. The petitioner had no valid reason for keeping the file pending. Thus prima-facie the fault of the petitioner is made out which shows the gross indiscipline, disobedience and dereliction in duty on his part. He was afforded full opportunity of defence and after due consideration the entire material and evidence available on record, the punishment order has been passed after following the provision of rule 10 (2) provided in **U.P. Government Servant (Discipline and Appeal) Rules 1999**.

11- In the case at hand, the disobedient and negligence of the petitioner is proved and the order passed by the competent authority is based on merit. The punishment order is speaking and reasoned one and does not require any interference.

In the light of facts and circumstances, the claim petition lacks merit and deserve to be dismissed.

ORDER

The claim petition is dismissed.

No order is made as to costs.

Sd/-

(Dr. Anil Kuma Singh)

Member (Admn)

Judgment signed, dated and pronounced today in the open Court.

Sd/-

(Dr. Anil Kuma Singh)

Member (Admn)

Dated: 19th August 2026

M.Husain/Ps