

Court No. - 1

Case :- WRIT - A No. - 8609 of 2023

Petitioner :- Bhawani Singh

Respondent :- State Public Service Tribunal , Lko. And Others

Counsel for Petitioner :- M.P. Raju

Counsel for Respondent :- Manish Mishra,C.S.C.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State-respondents.
2. This writ petition filed under Article 226 of the Constitution of India has assailed the judgment/order passed by the U.P. Public Service Tribunal, Indira Bhawan, Lucknow (hereinafter referred to as "**Tribunal**") on 17.11.2022 in Claim Petition No.1323 of 2017.
3. The claim petition was filed assailing an order of punishment of censure entry awarded after due enquiry.
4. The learned Tribunal having regard to the rival contentions of the parties has observed that the explanation offered by the petitioner in response to the show cause notice was firstly considered by the competent authority with due application of mind and that apart, the procedure prescribed for imposition of a minor penalty was also observed without there being any breach thereof, thus, having satisfied itself on both the aspects of the matter i.e. consideration of the explanation offered by the petitioner as well as the procedural obligations under the statutory rules, the claim petition has come to be rejected.
5. It is these observations made by the Tribunal, that the petitioner has come up to assail the same in the present writ

petition.

6. We have carefully gone through the explanation offered by the petitioner, the application made at the police station concerned on 31.03.2016 was at a point of time when the petitioner was also on duty. Even if, the application was handed over to one Vinod Kumar Mishra who admittedly has also been visited with the same quantum of punishment, it cannot be said that the application so made was unrelated to the present petitioner. The explanation offered, in our humble consideration, has rightly been dealt with as rejected more so when the procedure for imposition of minor penalty was observed without any breach thereof.

7. The satisfaction recorded by the Tribunal on both the aspects of the matter does not call for any interference in writ petition filed under Article 226 of the Constitution of India.

8. The writ petition bereft of any merit, is accordingly, **dismissed.**

(Om Prakash Shukla, J.) (Attau Rahman Masoodi, J.)

Order Date :- 6.11.2023
Shubhankar