

Court No. - 1

Case :- WRIT - A No. - 9843 of 2023

Petitioner :- Ray Singh (Pno No. 012050013)

Respondent :- State Of U.P Thru. Addil. Chief Secy. Home Civil Sectr.
Lko. And 3 Others

Counsel for Petitioner :- R.B.S. Rathaur

Counsel for Respondent :- 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 State-respondents.

2. This writ petition filed under Article 226 of the Constitution of India has assailed the judgment/order dated 26.10.2023 passed by State Public Services Tribunal (hereinafter referred to as "Tribunal") in Claim Petition No.28 of 2023 whereby the censure punishment awarded against the petitioner on being challenged before the Tribunal, the claim petition was rejected.

3. Learned counsel for the petitioner has argued that the Tribunal fell in error by making observation to the effect that the order passed by the competent authority was a reasoned and speaking order. Learned counsel has urged that the impugned order passed by the competent authority was wholly non-speaking and unreasoned. The appeal against the order passed by the competent authority was also rejected without adverting to the reply submitted by the petitioner.

4. On the submissions put forth by learned counsel for the petitioner, we have looked at the order passed by the competent authority, whereby punishment of censure was imposed upon him. It is evident from a careful reading of the punishment order that a show cause notice was issued to the petitioner, in response to which, he filed his reply. In the reply so submitted by the petitioner, he failed to explain the imputation of dereliction of duty with respect to an F.I.R. registered. Moreover, the connivance with the accused persons so as to suppress the voice of the informant was also alleged which remained unexplained by him.

5. In these circumstances, the disciplinary action taken against the petitioner after issuance of a show cause notice as per the procedure prescribed under law, in our humble consideration, does not suffer for any illegality calling for an interference of this Court in exercise of writ jurisdiction under Article 226 of the Constitution of India.

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

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

Order Date :- 21.12.2023/Shubhankar