



2026:UHC:5811-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL**Writ Petition Service Bench No. 735 of 2024****10th July, 2026**

Madan Mohan Joshi

--Petitioner

Versus

State of Uttarakhand & others

--Respondents

Presence:-*Mr. Anil Anthwal, learned counsel for the petitioner.**Mr. S.S. Chaudhary, learned Standing Counsel for the State.***Coram: Hon'ble Manoj Kumar Tiwari, J.
Hon'ble Pankaj Purohit, J.****Hon'ble Pankaj Purohit, J. (Oral)**

The challenge herein is to the judgment and order dated 04.07.2024 passed by the Uttarakhand Public Services Tribunal, Bench Nainital in Claim Petition No.01/NB/SB/2024 (*Madan Mohan Joshi v. State of Uttarakhand and others*) whereby the claim petition preferred by petitioner has been dismissed.

2. The facts of the case are that the petitioner, while serving as a Sub-Inspector (Ministerial) and posted as Record Clerk in the Police Office, Nainital, was entrusted with the responsibility of maintaining and dealing with departmental punishment/conviction files. During scrutiny of certain departmental records in the year 2021, it was found that three punishment files pertaining to the year 2015 were closed without completion of the disciplinary proceedings. A preliminary enquiry was



thereafter conducted, pursuant to which a show cause notice dated 01.03.2022 was issued to the petitioner calling upon him to explain the alleged lapse. The petitioner submitted his reply to the show cause notice denying the allegations. However, the Disciplinary Authority, after considering the matter, passed an order dated 22.06.2022 awarding the petitioner the minor punishment of Censure Entry in his service record. Aggrieved thereby, the petitioner preferred a departmental appeal, which came to be rejected by the Appellate Authority vide order dated 02.11.2023. Questioning the aforesaid orders, the petitioner instituted Claim Petition No.01/NB/SB/2024 before the Uttarakhand Public Services Tribunal, *inter alia* contending that the alleged misconduct pertained to the year 2015 whereas the disciplinary proceedings had been initiated only in the year 2021 after an unexplained delay of about six years. The Tribunal, by judgment and order dated 04.07.2024, dismissed the claim petition. Aggrieved by the judgment of the Tribunal, as well as the orders of the Disciplinary Authority and the Appellate Authority, the petitioner has preferred the present writ petition under Article 226 of the Constitution of India seeking their quashing.

3. Learned counsel for the petitioner submitted that the impugned disciplinary proceedings are vitiated on account of an inordinate and unexplained delay of about six years. It was contended that the alleged misconduct pertains to the year 2015, whereas the disciplinary proceedings were initiated only in the year 2021, rendering the entire action arbitrary and unsustainable. It was further submitted that the respondents have failed to



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furnish any satisfactory explanation for such delay, particularly when the relevant records always remained in the custody of the department. Reliance was placed upon the decisions of the Hon'ble Supreme Court as well as the judgment of a Coordinate Bench of this Court in *Virendra Singh Rana v. Chairman and Managing Director 2015 SCC OnLine Utt 561* to contend that stale disciplinary proceedings deserve to be quashed.

4. Learned counsel further argued that the Disciplinary Authority awarded the punishment of Censure Entry without properly appreciating the petitioner's explanation and the Appellate Authority mechanically affirmed the same. It was also contended that the Government Order dated 05.02.2021 has not been correctly applied and that the impugned punishment has adversely affected the petitioner's promotional prospects. Referring to the rejoinder affidavit, learned counsel reiterated that the allegations levelled against the petitioner are misconceived and that the delay in initiating the proceedings has remained wholly unexplained. It was, therefore, prayed that the impugned orders passed by the disciplinary and appellate authorities, as affirmed by the Tribunal, be set aside and the writ petition be allowed.

5. Learned Counsel for the respondent opposed the writ petition and submitted that the petitioner, while functioning as Record Clerk, was responsible for maintaining the departmental punishment files and had negligently closed three conviction files without completion of the disciplinary proceedings. It was contended that the lapse came to light during scrutiny of records, whereafter a



preliminary enquiry was conducted and, upon finding the petitioner's explanation unsatisfactory, the minor punishment of Censure Entry was awarded after following due procedure and affording him adequate opportunity of hearing.

6. Learned State Counsel further submitted that the disciplinary, appellate and Tribunal authorities have concurrently recorded findings against the petitioner on the basis of the material available on record. It was argued that the impugned orders suffer from no illegality, procedural infirmity or violation of the principles of natural justice warranting interference under Article 226 of the Constitution of India. Accordingly, it was prayed that the writ petition be dismissed.

7. Having heard the learned counsel for the parties and after perusal of the material available on record, this Court is of the considered opinion that no case for interference is made out. It is well settled that the scope of judicial review in disciplinary matters is limited and this Court does not sit as an appellate authority to re-appreciate the findings recorded by the disciplinary authority. Interference is warranted only where the proceedings are vitiated by procedural illegality, violation of the principles of natural justice or perversity in the findings. In the present case, the petitioner was afforded due opportunity to submit his explanation before the disciplinary authority. The respondents have explained that the lapse came to light during scrutiny of records in the year 2021, where after disciplinary proceedings were initiated. The disciplinary authority, the appellate authority



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and the Tribunal have concurrently found the petitioner guilty of negligence while discharging his official duties. Merely because the proceedings were initiated after some delay would not, in the facts of the present case, render the disciplinary action unsustainable, particularly when the petitioner has failed to establish any prejudice caused thereby. Moreover, the punishment imposed is only that of Censure Entry, which cannot be said to be disproportionate to the misconduct proved.

8. Accordingly, this Court finds no illegality or perversity in the impugned orders warranting interference under Article 226 of the Constitution of India.

9. The writ petition, being devoid of merit, is accordingly dismissed.

10. Pending application, if any, stands disposed of.

(Pankaj Purohit, J.)

(Manoj Kumar Tiwari, J.)

10.07.2026

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