IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (S/B) No. 194 of 2020

23rd September, 2025

State of Uttarakhand and Others .....Petitioner

Versus

Anand Mehra .....Respondent

Presence:-

Mr. Ganga Singh Negi, learned counsel for the petitioner/State.

Mr. Anil Kumar Joshi, learned counsel for respondent.

Coram: Hon'ble Ravindra Maithani, J.
Hon'ble Alok Mahra, J.

Hon'ble Ravindra Maithani, J. (Oral)

Petitioner/State has challenged the impugned judgment dated 31.12.2018 passed by the Uttarakhand Public Service Tribunal, Dehradun ('the Tribunal') passed in Claim Petition No. 57/SB/2018, Anand Mehra Vs. State and Others ('Claim Petition'). By the impugned judgment, 'an entry of censure' is substituted with 'warned to be careful in future'.

2. Heard learned counsel for the parties and perused the record.

3. The respondent was Investigating Officer in Case Crime No. 167/2015 under Section 147, 148, 323, 353, 506, 427, 153-A IPC and Section 7 of Criminal Law Amendment Act, Police Station Kotdwar, District Pauri Garwhal. With regard to some act committed during investigation, in a departmental disciplinary proceedings, the respondent was held guilty and he was awarded censure entry. Aggrieved by the same, the respondent preferred claim petition, in which, the entry of

censure has been substituted with 'warned to be careful in future'.

4. Learned counsel for the State/petitioner submits that in the Service Rules, after the disciplinary proceedings, the lowest punishment that could be awarded is censure entry. There is no other punishment less than censure entry. He submits that the Tribunal committed an error by substituting the censure entry with 'warned to be careful in future'.

5. Learned counsel for the respondent submits that another Claim Petition No.1/SB/2018 was filed by one Vikas Bhardwaj, who was also Investigating Officer in the same case crime number and against whom, the common disciplinary proceedings were under taken; he was also awarded "censure" entry by the Department, but, in his claim petition it was substituted by the Tribunal with "warned to be careful in future", therefore, he submits that the impugned judgment is passed on parity.

6. Learned counsel for the respondent further submits that there should be parity in punishment and it may not be reasonable now to upset the judgment awarded by the Tribunal in view of the fact that similar treatment has been given to Vikas Bhardwarj, which has attained finality. Though, he fairly concedes that the "censure" entry, with the efflux of time, has now lost its significance.

7. Perusal of the impugned judgment reveals that in paragraph no.5, on behalf of the respondent, an apology was given and the error was accepted. It is true that in the impugned

order, reference has been made to the Claim Petition No.1/SB/2018 filed by Vikas Bhardwaj against the State of Uttarakhand and Others, in which, the "censure" entry was substituted with the entry of "warned to be careful in future". It is also admitted that Vikas Bhardwaj and respondent were subjected in a common disciplinary proceedings and both were given censure entry.

8. This Court refrains to make any comment in the case of Vikas Bhardwaj and the judgment given by the Tribunal in that case. This Court is concerned with the claim of respondent and the legality of the impugned judgment passed by the Tribunal.

9. Insofar as the proportionality and parity of sentence is concerned, definitely the Appointing Authority has to maintain parity and the punishment/penalty should be proportionate to the act complained of. In the impugned judgment, in paragraph nos. 10, 11 & 12, the Tribunal has observed as follows:

> *"10. This Court is, therefore, of the opinion that the 'censure entry' should make way for 'warning' to the petitioner. In other words, censure entry should be diluted and the petitioner should be warned to be careful in future.*
>
> *11. Order accordingly.*
>
> *12. While finding of 'misconduct' arrived at by the disciplinary authority, as affirmed by the appellate authority, are maintained, this Court finds cogent reasons, in the peculiar facts of the case, to substitute*

the minor punishment of 'censure entry' awarded to the petitioner, with 'warning'. 'Censure entry' is accordingly, substituted with 'warned to be careful in future'."

10. A bare reading of it reveals that though the Tribunal considered the judgment given in the case of Vikas Bhardwaj, but, for arriving at the conclusion, an independent opinion was formed by the Tribunal. It is admitted even to the learned counsel for the respondent that in the disciplinary proceedings, the lowest punishment is "censure" entry and there is no punishment of "warned to be careful in future".

11. The respondent was held guilty in the disciplinary proceedings. He was awarded the lowest punishment that is permissible under the Rules, therefore, the lowest punishment cannot be substituted by any other punishment.

12. In view of the above, this Court is of the considered opinion that the impugned judgment is not in accordance with law and it deserves to be set aside.

13. Accordingly, the Writ Petition is allowed.

14. The impugned judgment dated 31.12.2018 passed by the Tribunal in Claim Petition is hereby set aside.

15. The punishment order awarding censure entry to the respondent stands restored.

(Alok Mahra, J.)
23.09.2025

(Ravindra Maithani, J.)
23.09.2025

Mamta/Ujjawal

MAMTA RANI
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