

Janmejay Sachan Vs. State of U.P. and ors.

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Court : Allahabad

Decided On : Sep-13-2004

Reported in : (2005)1UPLBEC630

Judge : Rakesh Tiwari, J.

Acts : Uttar Pradesh Police Officers of the Subordinate Ranks (Punishment and Appeal) Rules, 1991 - Rule 20

Appeal No. : Civil Misc. Writ Petition No. 11104 of 2003

Appellant : Janmejay Sachan

Respondent : State of U.P. and ors.

Advocate for Def. : S.C.

Advocate for Pet/Ap. : Y.D. Sharma, Adv.

Disposition : Petition allowed

Judgement :

Rakesh Tiwari, J.

1. Heard Counsel for the parties and perused the record.

2. This petition has been filed challenging the adverse entry dated 28.8.2002 awarded to the petitioner by the then Senior Superintendent of Police, Allahabad and order dated 9.12.2002 passed by the Inspector General of Police, Allahabad Zone, Allahabad. The petitioner has also prayed a writ to grant him all consequential benefits including the benefit of promotion to the post of Inspector.

3. In brevity, the facts of the case are that when the petitioner was posted at Police Station Shankargarh, district Allahabad as Station Officer, a complaint was lodged by one Sri Satyendra Kumar Singh S/o Sri Bhanwar Singh, R/o Qasba and P.S. Ratanpuri, District Muzaffarnagar falsely implicating him in a wire theft case to extract his invested money. An enquiry was conducted into the matter. After enquiry report was submitted by the Enquiry Officer to the effect that there was no material and evidence against the petitioner and he has been falsely implicated by the complainant to extract his invested money, and then Senior Superintendent of Police, Allahabad vide his order dated 19.6.2002 exonerated the petitioner from all the charges levelled against him. Thereafter the petitioner served as a Sub-Inspector under the successor Senior Superintendent of Police, Allahabad Sri P.K. Tiwari during the period from 23.4.2000 to 16.7.2001. He was also given additional charge of Manda and Shankargarh Police Stations.

4. It is alleged that the then Senior Superintendent of Police Sri P.K. Tewari was transferred to P.A.C., Lucknow from Allahabad on 20.6.2001. During his posting at Allahabad he did not award any annual entry to the petitioner in his Character Roll in accordance with the Government Order dated 15.3.1977 and the impugned adverse entry was awarded to the petitioner by him only on 28.8.2002, i.e., after about one year from his transfer from Allahabad. It is submitted that the impugned adverse entry, which has been awarded to the petitioner, is against the record and is without application of mind. The impugned adverse entry awarded to the petitioner is as under;--

'I generally agree with remarks of C.O. Bara and S.P. Jamunapar. This officer was involved in implicating an innocent person of Muzaffarnagar District in an alleged case of wire theft of District Allahabad. In enquiry, it was discovered that it was a case to extract his investment money in some private Company. A letter was

written by me to the then D.G.P. vide my D.O. No. ST-SSP-PE-15/2001, dated 30th May, 2001.

In view of the above, the work and conduct of the S.O. is unsatisfactory and unbecoming of Station Officer. His integrity is withheld till the disposal of above-mentioned D.O. letter. Cat. Unsatisfactory.

So/- P.K. Tewari,

28.8.2002.

Ex-S.S.P., Allahabad.'

5. The petitioner filed an appeal on 14.9.2002 under Rule 20 of the U.P. Police Officers of the Subordinate Ranks (Punishment and Appeal) Rules, 1991 to the Deputy Inspector General of Police, Allahabad Range, Allahabad against the impugned adverse entry dated 28.8.2002.

6. The Counsel for the petitioner submits that the petitioner had been awarded outstanding entries for the last ten years of his service period and there is no adverse entry except the impugned adverse entry dated 28.8.2002, which is alleged to have been awarded after the prescribed time limit with mala-fide intention. The petitioner claims that the adverse entry has been given to spoil his career as the State Government had invited applications from promotion to the posts of Inspectors from those Sub-Inspectors who had completed ten years of satisfactory service as Sub-Inspectors.

7. It is also submitted by the Counsel for the petitioner that the name of the petitioner has not been recommended for promotion on the post of Inspector in spite of the fact that the petitioner was found not guilty in the enquiry proceedings and has been ignored for promotion only on the basis of adverse entry which has been given in a very casual manner and without any material on record.

8. The appeal of the petitioner has also been dismissed vide order dated 9.12.2002.

9. From the record it is apparent that in the enquiry proceedings the petitioner was found not guilty of the charges levelled against him. He was also exonerated of all the charges by the then Senior superintendent of Police, Allahabad. There was no occasion for his successor Senior Superintendent of Police to give any adverse entry to the petitioner on the basis of the charges from which he had already been exonerated in the enquiry. There was no material before the authority to award the impugned adverse entry to the petitioner on the basis of the allegations made in the compliant, which was not found to be correct and had been made with mala-fide intention to implicate the petitioner on false allegation.

10. For the aforesaid reasons the impugned orders dated 28.8.2002 and 9.12.2002 are quashed. The writ petition is allowed. The authorities are directed to consider the case of the petitioner for promotion and other consequential benefits from the date his next below junior has been promoted. No order as to costs.