



2026:AHC:164793

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 14806 of 2007

Om Prakash Rai

.....Petitioner(s)

Versus

State of U.P. and Others

.....Respondent(s)

Counsel for Petitioner(s)
Counsel for Respondent(s)

:
:

Court No. - 34

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri Awadh Narain Rai, advocate holding brief of Sri Virendra Pratap Singh, learned counsel for the petitioner and Sri Rajiv Gupta, learned Addl. Chief Standing Counsel for the State.

2. On 22.7.2026, this Court passed the following orders:-

"1. The written instructions supplied by learned Additional Chief Standing Counsel for the State is taken on record.

2. Heard Sri Awadh Narayan Rai, Advocate holding brief of Sri Vijendra Pratap Singh, learned counsel for the petitioner and Sri Rajiv Gupta, learned Additional Chief Standing Counsel for the State.

3. Vide impugned order date 13.07.2001, the petitioner was removed from services where the petitioner was working as Constable in 42nd Battalion PAC, Allahabad. The impugned order refers that after the act of the petitioner of disobedience, a disciplinary proceeding under Rules 14(1) of the Uttar Pradesh Police Officers of the Subordinate Ranks (Punishment and Appeal) Rules-1991 (in short '1991 Rules') was initiated against the petitioner and the enquiry officer has submitted its report / finding on 25.06.2001. Thereupon the show cause notice was issued and sent to the petitioner and despite service of said notice by way of visiting on his house, since no response was received, he was dismissed from service. However, the copy of the enquiry report dated 25.06.2001 has not been placed on record either by the petitioner or the respondents in the counter affidavit. The claim of the counsel for the petitioner is that no enquiry under Section 14(1) of 1991 Rules was ever conducted before passing the impugned order.

4. In such view of the matter, the respondent no.4 is directed to send the entire record of the enquiry proceeding in the instant case to verify whether any proceedings under Section 14(1) of 1991 Rules were carried out before passing the termination order, failing which the respondent no. 4 shall remain present before this Court on the next date of listing. Respondents may also bring on record the copy of the enquiry report dated 25.06.2001.

5. Put up this matter on 06.08.2026. "

3. In response thereto, the original record has been produced before this Court which has been duly perused by this Court and on 5.8.2006, an affidavit on behalf of the respondent No. 4 has also been filed whereby the copy of the charge-sheet, inquiry report, show cause notice etc. were also brought on record.

4. The instant petition was filed by the petitioner seeking quashing of the order dated 13.7.2001, whereby the petitioner was dismissed from service after conducting the inquiry under Rule-14 (1) of the '**Uttar Pradesh Police Officers of the Subordinate Ranks (Punishment and Appeal) Rules-1991**' (in short '1991 Rules'). The petitioner has challenged the order dated 31.7.2001, 31.7.2002 and 11.6.2003 passed in Appeal and Revision respectively by the respondents whereby the appeal and revision both were rejected. It is noteworthy that during the pendency of the instant petition, original petitioner Om Prakash Rai has died on 28.8.2010 and his legal heirs i.e. his wife and sons were brought on record vide order dated 16.4.2018.

5. Arguments put forth on behalf of the petitioner is that no inquiry as provided under Rule-14 of 1991 Rules has ever been conducted and straightway, after giving the show cause notice, the impugned order dated 13.7.2001 has been passed, whereby the original petitioner was dismissed from service. Even on the last date of hearing, it was contended on behalf of the petitioner that neither the copy of the charge-sheet nor copy of the inquiry report was ever served upon the original petitioner and nor the inquiry in accordance with Rule-14 of 1991 Rules was ever conducted, therefore, learned counsel for the petitioner has prayed for quashing of the punishment order dated 13.7.2001 as well as the orders passed by the appellate and revisional authorities.

6. From the original record produced before this Court, it is apparent that on 24.4.2001, in terms of Rule 14 (1) of 1991 Rules, charge-sheet was issued against the petitioner and the copy of the said charge-sheet was received by the original petitioner on 25.1.2001 and despite the aforesaid charge-sheet, he chosen not to file any response to the aforesaid charge-sheet. Thereafter, the inquiry officer has proceeded with the inquiry ex-parte and due notices were issued to the petitioner by fixing date, time and place for inquiry and notice was sent for service upon the original petitioner on 2.5.2001 and process server has reported that on 12.5.2001 he went to the house of the petitioner and the petitioner was available in his house and he has refused to accept the notice dated 2.5.2001, therefore, the same was returned with the aforesaid remarks. Thereafter, the inquiry officer has concluded the inquiry against the petitioner, the show cause notice was issued to the petitioner on 27.6.2001. Alongwith the show cause notice, copy of the inquiry report was also sent to the petitioner and when constable went to serve the copy of the show cause notice as well as inquiry report, house was lock and thereafter in the presence of the village Pradhan copy of the show cause notice and inquiry report was pasted in front of the house of the petitioner and when within time, no response was received from

the petitioner, the impugned order of termination was passed.

7. From the aforesaid facts as is apparent from the original record, it is apparent that due process as enumerated under Rule-14 (1) of 1991 Rules was followed before passing the dismissal order against the petitioner. Despite the aforesaid categorical and methodological approach of the respondent, contention has been raised in the instant petition on behalf of the petitioner that no procedure under Rule 14 (1) of 1991 Rules was followed as neither the copy of the charge-sheet was served upon the petitioner nor the copy of the inquiry report was ever served upon the petitioner, therefore, the stand taken by the petitioner is against the record and the aforesaid contention has been raised only to create doubt and take undue advantage in the instant process. In such view of the matter, the aforesaid contentions, as also noted, are against the record of the proceedings which have been perused by this Court from the original record. As such, no relief as claimed by the petitioner can be granted as there is no illegality in the process adopted in passing the order of termination against the petitioner.

8. In such view of the matter, since the petitioner has tried to mislead this Court without any basis, the instant petition is **dismissed** with costs of Rs. 50,000/- to be deposited within four weeks before the High Court Legal Services Committee, failing which the same shall be recovered from the legal heirs of the petitioner from his landed property. The costs so deposited shall be utilised by the High Court Legal Services Committee in its usual expenses.

9. The original record placed today before this Court is hereby returned to Sri Rajiv Gupta, learned Addl. Chief Standing Counsel, to be returned to the department concerned.

August 6, 2026

n.u.

(Anish Kumar Gupta,J.)