



2026:AHC-LKO:19550

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 7274 of 2003

Nand Lal

.....Petitioner(s)

Versus

State Of U.P. Through The Prin. Secy. Home
Deptt. Govt.Of U.

.....Respondent(s)

Counsel for Petitioner(s)	: Amit Bose, Panna Lal Gupta, Shiv Prasad, Uma Shanker
Counsel for Respondent(s)	: C.S.C.

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Panna Lal Gupta, the learned counsel for the petitioner and Sri Hari Om Singh, learned Standing Counsel for the State of UP.

2. By means of the instant writ petition filed under Article 226 of the Constitution of India, the petitioner has challenged the validity of an inquiry report submitted by the Circle Officer, Sadar, Sitapur. He has also challenged the validity of an order dated 17.07.2003 passed by the Superintendent of Police, Sitapur, dismissing the petitioner from service on the post of constable. Briefly stated, facts of the case are that while the petitioner was working as a constable in civil police and was posted in district Sultanpur, he was transferred to Sitapur by means of an order dated 04.07.2000 and he was relieved pursuant to the aforesaid transfer order on 10.07.2000. Thereafter, the petitioner absented himself from duty without any authority. He reported to police line, Sitapur, on 27.11.2001 i.e. after having remained unauthorizedly absent for 498 days. Disciplinary proceedings were instituted against the petitioner under Rule 14(1) of the Uttar Pradesh Police Officers of Subordinate Ranks (Punishment and Appeal) Rules, 1991 and a charge sheet was issued against him on 23.11.2002 stating that during the period of his unauthorized absence, several letters were sent to him through special messenger. Thereafter the petitioner presented himself for duty on 27.11.2001. The unauthorized absence for such a long period indicates negligence in performance of duty, indiscipline and insubordination.

3. The inquiry report dated 25.02.2003 states that the Reserve Inspector had submitted a report dated 21.11.2002 regarding unauthorized absence of the petitioner since 27.03.2002. On 23.11.2002, a copy of the charge sheet was sent to be served upon the petitioner through the Reserve Inspector, Police Lines, Sitapur. A copy of the charge sheet was received by the petitioner on 13.11.2002 and he put his signature on its copy as acknowledgment of its receipt. The charge sheet specifically stated that the petitioner may submit a reply within a period of 15 days, the petitioner sent a reply through registered post on 11.12.2002. On 11.12.2002, the petitioner sent a reply through registered post stating that when he was relieved from duty, he was already sick and was requesting for leave of absence but the Station House Officer did not grant him leave and relieved him for being transferred. For this reason, the petitioner did not go to the police line in Sultanpur and went to his home at Pratapgarh. The petitioner continued to get treated himself at Pratapgarh. Before he could regain normal health, his wife fell ill. The inquiry report states that no documents were annexed to the petitioner's reply in support of the petitioner's claim of his illness and the illness of his wife. The inquiry report further states that the petitioner did not request for being provided personal hearing. When recording of the evidence commenced, the petitioner was given information through a letter dated 16.12.2002 fixing 28.12.2002 as the date for examination of witnesses but the petitioner did not appear on the said date. On the date fixed, statement of Constable Rajeswar Shukla was recorded in support of the charges. Thereafter 13.01.2003 was fixed as the next date for the inquiry, for recording the statement of Sri Sunil Kumar, Circle Officer, Mahmoodabad and this information was also sent to the petitioner through a special messenger on 28.12.2002 and was received by the petitioner on 02.01.2003. On the said date, neither the witness nor the petitioner appeared and the case was adjourned. On 06.01.2003, another notice was sent to the petitioner fixing the date of inquiry as 24.01.2003 and this letter was also received by the petitioner personally on 19.01.2003 but nobody appeared even on that date. Again notices were sent to the petitioner and to the witness on 24.01.2003 fixing the date of inquiry as 29.01.2003 and this information was received by the petitioner personally on 28.01.2003.

4. Statement of the Circle Officer was recorded on 29.01.2003 but the petitioner did not appear and did not cross-examine this witness. After analysis of the statements of the witnesses, the inquiry officer held that the petitioner has remained unauthorizedly absent for 498 days without any explanation and he did not participate in the inquiry in spite of sending several letters to him, all of which were received by him personally. The statements of the witnesses establish that the petitioner is guilty of negligence, indiscipline and insubordination and the inquiry officer recommended dismissal of the petitioner. After the aforesaid recommendation made by the inquiry officer, the petitioner was again given a show cause notice dated 24.03.2003 and the petitioner submitted his explanation on 25.04.2003 wherein he stated that he could not attend his duties because of his illness and the illness of his wife. The petitioner requested that the period of absence be adjusted against earned leave or medical leave or leave on half pay.

5. The disciplinary authority-superintendent of police found the petitioner guilty of negligence in performance of duty, insubordination and passed the impugned order dated 17.07.2003 dismissing the petitioner from service.

6. Assailing the validity of the dismissal order, the counsel for the petitioner has submitted that the impugned order has been passed in violation of the principles of natural justice and the petitioner has not been given any opportunity for a hearing either the inquiry officer or by the disciplinary authority. The learned counsel for the petitioner submitted that the impugned order has been passed in violation of the principles of natural justice.

7. The state has filed a counter-affidavit opposing the writ petition wherein it has inter alia been stated that the impugned order has been passed after adopting the due process of law and giving the petitioner adequate opportunity of hearing whereas the petitioner himself has failed to avail the opportunity.

8. The inquiry report contains a detailed narration of the notices sent to the petitioner by the Inquiry Officer which were served upon the petitioner personally and the petitioner did not participate in the inquiry proceedings in spite of having been given numerous notices and repetitive

opportunities of hearing. There is no averment in the entire writ petition stating that the notices sent by the inquiry officer were not served upon the petitioner. After submission of the inquiry report, the disciplinary authority gave an opportunity to the petitioner to show cause against the proposed punishment and the petitioner has availed that opportunity and submitted his reply which has been considered by the disciplinary authority. The petitioner has failed to produce evidence in support of his claim that he could not attend the duties for 498 days due to his illness and the illness of his wife either before the inquiry officer or before the disciplinary authority or even before this Court. Therefore, the petitioners' contention that he could not attend the duties for 498 days due to illness of himself and his wife is not supported by any material and the same cannot be accepted.

9. Keeping in view the foregoing discussion, I am of the considered view that the impugned order has been passed after giving adequate opportunity of hearing to the petitioner and the contention of the learned counsel for the petitioner that the impugned order has been passed in violation of the principles of natural justice, has no force and, accordingly, the same is turned down.

10. The writ petition lacks merit and the same is *dismissed*.

(Subhash Vidyarthi,J.)

March 18, 2026

Pradeep/-