



2026:AHC-LKO:45522-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 4055 of 2026

State Of U.P. Thru. Addl. Chief Secy. Home Police
Services U.P. Lko.

.....Petitioner(s)

Versus

Amaresh Kumar Singh Baghel

.....Respondent(s)

Counsel for Petitioner(s)

: C.S.C.

Counsel for Respondent(s)

:

Court No. - 5

HON'BLE ALOK MATHUR, J.

HON'BLE AMITABH KUMAR RAI, J.

1. Heard Sri S.M. Singh Royekwar, learned Additional Advocate General assisted by Sri Vivek Shukla, learned Standing Counsel for the petitioner and Sri Gaurav Mehrotra, learned Senior Advocate assisted by Sri Amit Singh, learned counsel appearing for the respondent.

2. By means of present writ petition the petitioner has challenged validity of judgment and order dated 11.09.2025, passed by the State Public Service Tribunal (*hereinafter referred to as "the Tribunal"*), whereby the Tribunal allowed the claim petition preferred by the respondent.

3. It has been submitted on behalf of petitioner that in the present case dispute pertains to initially lodging of first information report being First Information No. 548 of 2019 against one Atul Rai under Sections 420, 376, 504, 506 IPC at Police Station - Lanka, District - Varanasi, where after investigation being concluded a charge sheet was submitted in the Court of Special Judge, MP/MLA Court, Prayagraj and trial was pending.

4. It is during the pendency of aforesaid trial proceedings, a complaint was given by the father of the accused to the Additional Director General of Police, Varanasi (*hereinafter referred to as "the DIG"*) leveling certain allegations pertaining to fairness of the investigation conducted against the accused . The application was given on 20.04.2020. The ADG, Police took cognizance of the said complaint and directed the Director General

of Police, Varanasi (*hereinafter referred to as "the DG"*) to inquire and submit his report within a period of seven days.

5. Similarly, the Deputy Inspector General, Police, Varanasi (*hereinafter referred to as "the DIG"*), who passed similar order directing the Senior Superintendent of Police, Varanasi (*hereinafter referred to as "the SSP"*) to inquiry and submit his report by means of order dated 16.06.2020, while the SSP in turn directed the respondent to conduct inquiry and submit his report.

6. It is in pursuance to the aforesaid directions that the respondent, who at the relevant point of time was posed as Circle Officer, Bhelupur, Varanasi, proceeded to conduct inquiry. During the said inquiry he went through all the material which was available on record including call records and evidence which was available on record and submitted his report on 08.08.2020.

7. The aforesaid report submitted by the respondent dated 08.08.2020, which has been genesis of the dispute, pertaining to the present case, inasmuch as by his aforesaid report the respondent opined that the criminal case was lodged against the accused as a conspiracy and the allegations against him were false and he found that there was no sufficient material to support the case of the complainant and therefore, he gave his opinion that further investigation under Section 173(8) IPC should be moved for further investigation in the matter.

8. It seems that simultaneously, an application was given by the complainant to the SSP, on which application the SSP directed the Superintendent of Police (City), Varanasi vide letter dated 10.11.2020, to submit his report. The SP (City) examined the report submitted by the respondent and was of the view that it would be appropriate to conduct further investigation under Section 173(8) Cr.P.C., in his report dated 11.12.2020, approving the report dated 08.08.2020 of the respondent.

9. We further find that respondent while concluding his inquiry by means of order dated 08.08.2020, recommended further investigation in the matter, was also looked into by the SP (City), who also affirmed the finding and was also of the opinion that further investigation requires to

be conducted in the matter.

10. It is only subsequently, that the SP came at different opinion on a letter dated 17.12.2020, sent by the SSP, Varanasi to review and submitted report dated 29.12.2020, that the trial has commenced and cognizance has been taken by the Court of competent jurisdiction, then, such matter does not deserves to be re-investigated as proposed by the respondent in his report dated 08.08.2020 and comments made by respondent while submitting inquiry report dated 08.08.2020 was highly objectionable as same would have interfered in the Court's judgment inasmuch as the trial proceedings are underway and cognizance has been taken by the Court of competent jurisdiction.

11. It is in the aforesaid circumstances, SSP, Varanasi submitted his report to the Inspector General of Police, Varanasi on 30.12.2020, who further referred the matter to the ADG Police on 30.12.2020.

12. Surprisingly, 30.12.2020 is the relevant date in the present case inasmuch as, from IG to ADG, ADG to DG and DG to the State, the order of suspension of the petitioner was passed on the same date i.e. 30.12.2020. While passing the order of suspension it was recorded that the respondent in his report had discussed the aspect of conspiracy being hatched against the accused. Apart from other points discussed by him the disciplinary authority was of the view that such comments could not have been made with regard to the matter which was pending before the Court of competent jurisdiction and that it was serious issue and therefore, proceedings for imposition of major penalty were called for and therefore, the respondent was placed under suspension by means of order dated 30.12.2020.

13. The respondent was thereafter, given charge sheet on 17.02.2021 and after considering his reply, order of dismissal was passed on 18.10.2021. The order dated 18.10.2021 was assailed by the respondent before the Tribunal.

14. The Tribunal considered various grounds raised by the respondent while assailing the proceedings for termination of his services. The respondent has contended that there was clear violation of principles of

natural justice inasmuch as, he was not given adequate opportunity to defend himself during the inquiry proceedings. He has further contended that from bare perusal of the entire material would indicate that there is no misconduct which can be alleged against him and hence the dismissal order is illegal and arbitrary.

15. The Tribunal duly considered the case of the respondent and also of the petitioners. The Tribunal was of the view that there may have been some negligence in choosing the words by the respondent in his findings given in the inquiry report, but same could not amount to misconduct and relied upon the judgment of Hon'ble Supreme Court in this regard and also found that the punishment awarded to the respondent was highly disproportionate to the alleged act of misconduct and allowed the claim petition and set aside the order of dismissal, remanding the matter back to the State Government to proceed afresh from the stage of charge sheet and conclude the proceedings within four months.

16. Learned Additional Advocate General has vehemently submitted that the respondent has accepted the task of inquiring into the matter and making comments in a pending trial which was not warranted and hence punishment order was passed against him.

17. The respondent on the other hand has opposed the writ petition and has submitted that the Tribunal while considering the case of respondent had also formulated question with regard to the fact as to whether the act of respondent in submitting his inquiry report had committed any misconduct. He further submits that the Tribunal has also considered the judgment of the Apex Court in the case of **State of Punjab Vs. Ram Singh, AIR 1992 SC 2188** and also considering the observations of the Supreme Court that there may be negligence in performance of duties or error of judgment in evaluating the developing situation and there may be negligence in discharge of duty would not constitute misconduct. The deficiencies would not constitute misconduct.

18. It is submitted that the Tribunal had duly considered all the aspects of the matter and has observed that submission of inquiry report by the respondent would not amount to misconduct and had allowed the claim

petition on the limited scope of violation of principles of natural justice and remanded the matter back to the petitioners for proceeding afresh with the disciplinary proceedings from the stage of submission of charge sheet. It is submitted that infact considering the said judgment such a direction could not have been passed considering the fact that even the Tribunal was of the view that no misconduct is made out from the allegations levelled against the respondent.

19. We have considered the rival submissions and also perused the record.

20. This Court finds that the Tribunal while allowing the claim petition preferred by the respondent has remanded the matter back to the petitioners to proceed with the disciplinary proceedings from the stage of submission of charge sheet, but we find that the writ petitioners being aggrieved by the order passed by the Tribunal have filed present writ petition.

21. We have extensively heard both the parties. One of the question which arise in the present controversy is as to whether submission of inquiry report by the respondent, in peculiar circumstances of the present case would amount to misconduct. It is only when we find that the said act of respondent amounts to misconduct, can permit the petitioners to proceed with the inquiry afresh from the stage of submission of charge sheet as directed by the Tribunal.

22. In the present case we find that the entire proceedings had been initiated from the complaint made by the father of the accused and at the time when the said complaint was made, charge sheet had already been filed after conclusion of the inquiry and and even after taking cognizance of the charge sheet the trial was underway. The ADG, Varanasi Range had directed the SSP to inquiry into the complaint/representation made by the father of the accused, who in turn directed the SP (City) and subsequently, the respondent was to inquire into the matter. The respondent has fairly inquired into the said matter and after concluding the inquiry had submitted the inquiry report. Perusal of inquiry report dated 08.08.2020 would reveal that he had considered all the aspects of the matter as any prudent inquiry officer is supposed to do. There was no

limitation placed upon him nor was his role prescribed by any of his superior officers and carte blanche was given to him to submit the inquiry report. There is no dispute with regard to the aforesaid facts.

23. Accordingly, as per direction of the superiors the respondent had proceeded to inquiry into the matter and he rendered his opinion to the SSP, which was not as if the said report was filed in the Court of competent jurisdiction, which would as informed, lead to acquittal of the accused, mainly on the basis of finding recorded in the inquiry conducted by the respondent and which subsequently led to passing of his order of dismissal.

24. Accordingly, once the respondent as subordinate officer having been entrusted upon the duty to conduct inquiry fairly and diligently and submit his report to the S.P. (City), who, not merely by brief order but by detailed order running into number of pages reiterated the finding of the respondent and also recommended further investigation in the matter.

25. This Court further examined the aforesaid fact and is of the view that in case respondent was guilty of submitting particular inquiry report then we see no reason as to why the SP (City) who also accepted the said inquiry and submitted same report, would not have been proceeded against by the petitioners, but no satisfactory response in this regard is forthcoming from the petitioners.

26. We further find that the report submitted by the respondent was merely his opinion which was sought by his superior Police officers and such an opinion was not binding upon them and if they were of the view that said report was violating any statutory provision and interfering in the ongoing trial, they could have rejected the said report submitted by the respondent, much less initiating disciplinary proceedings against him.

27. We are in agreement with the judgment of Hon'ble Supreme Court as stated by the Tribunal in the case of **State of Punjab Vs. Ram Singh, AIR 1992 SC 2188**, where any negligence in discharge of duty would not construe misconduct. It is not the case of the petitioners that opinion of the respondent was protracted or was given under influence of any person or authority. In absence of such allegations, we find that his opinion was

in consonance with the directions of his superior officers and in case there was any infirmity in the said opinion, considering the fact that trial was underway, then the superior authorities to whom such opinion was submitted, have right to reject the same at that stage itself, but such action was not taken by the petitioners.

28. In the aforesaid facts, this Court is of the considered view that no misconduct was conducted by the respondent by submitting his inquiry report. Had it been the case of the petitioners that the said report was under influence of any authority or person, then certainly it would have been a case for initiating disciplinary proceedings, but in absence of such allegations no case for misconduct has been made out by the petitioners.

29. It is in the aforesaid circumstances, we do not wish to interfere with the portion of the impugned judgment of the Tribunal where the order of punishment has been quashed.

30. This Court is of the considered view that directions of the Tribunal with regard to remanding the matter back to the petitioners for inquiring afresh against the respondent, is clearly illegal and arbitrary and accordingly, judgment of the Tribunal to that extent is quashed.

30. In the light of above, present writ petition is **partly allowed**.

(Amitabh Kumar Rai,J.) (Alok Mathur,J.)

July 10, 2026
A. Verma