

Court No. - 40

Case :- WRIT - C No. - 37811 of 2023

Petitioner :- Laxmi Kant Gupta

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Avnish Kumar Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Avnish Kumar Srivastava, learned counsel for the petitioner and Ms. Subhra Singh, learned Standing Counsel for State-respondents.

2. The petitioner claims to be public servant who was working as Accountant of Soil Conservation Office, Firozabad. By the instant writ petition, the petitioner has challenged the sanction order dated 26.4.2012 passed by sixth respondent i.e. Joint Director, Agriculture, Agra Division, Agra permitting sanction for prosecution against the petitioner in criminal case under Prevention of Corruption Act, 1988.

3. Learned counsel for the petitioner states that similarly situated other employees have questioned the sanction order dated 22.8.2009 in **Writ C No.17416 of 2010 (Ram Das Dwivedi vs. State of U.P. and others)**, which was decided by a Division Bench vide order dated 22.4.2010. The aforementioned writ petition was pressed on the ground that while granting sanction, the authority has not applied its mind, rather the sanction is based upon letter dated 8.12.2008 issued by Director of Agriculture, Lucknow i.e. a higher officer. The writ petition was disposed of with the following observations:-

"Taking into consideration the entire facts and circumstances, ends of justice be served in setting aside the order dated 22.8.2009 passed by the Appointing Authority with a liberty to the appointing authority to pass a fresh order considering the relevant material including the investigation report dated 12th February, 2009 as expeditiously as possible preferably within a period of two months from the date of production of a certified copy of this order before him. We make it clear that appointing authority shall apply his mind and thereafter take appropriate decision. Order accordingly."

4. Learned counsel for the petitioner further submits that sanction order dated 22.8.2009 was again challenged in **Writ C No.29556 of 2010 (Om Prakash Sharma and others vs. State of U.P. and others)** and Division Bench vide order dated 25.1.2023 had disposed of the matter in terms of **Ram Das Dwivedi' case (supra)**. Learned counsel for the petitioner states that as the petitioner has superannuated way back in the year 2005, similar indulgence may be accorded by this Court in the present case, as has been done in Writ C No.29556 of 2010.

5. So far as the factual and legal aspects of the matter are concerned, learned Standing Counsel has not disputed the same.

6. We have also the occasion to peruse the order dated 25.1.2023 and as far as the facts of the present case are concerned, they are similar to that in Writ C No.29556 of 2010 and also relates to the same department. There is no reason or occasion to take a different view in the matter, hence, we dispose of the present writ petition in terms of **Ram Das Dwivedi's case (supra)**.

Order Date :- 8.11.2023

Manish Himwan