

Court No. - 1

Case :- WRIT - A No. - 8640 of 2023

Petitioner :- Shrikant Mishra

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Govt. Of U.P. Lucknow And Others

Counsel for Petitioner :- Shiv Nath Goswami, Santosh Kumar Ramakant Upadhyay

Counsel for Respondent :- C.S.C., Manish Mishra

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned Counsel for the petitioner, learned Standing Counsel for the State-respondents and Shri Varun Pratap Singh holding brief of Shri Manish Mishra, learned Counsel for respondent no.5.

2. The instant petition filed by the petitioner under Article 226 of the Constitution of India has questioned the legality of the impugned judgment/order dated 04.08.2021 passed by the State Public Services Tribunal, U.P. Lucknow (hereinafter referred to as 'Tribunal) in Claim Petition No.679 of 2020 whereby the claim petition filed by the petitioner against the order of punishment, i.e. censure entry has been rejected.

3. Learned Counsel for the petitioner has submitted that the Tribunal while adjudicating upon the case has committed manifest error of law by not considering that the explanation offered by the petitioner in response to the show cause notice was left unconsidered by the competent authority.

4. We have carefully gone through the judgment impugned herein in this writ petition. It is to be noticed that the procedure for imposition of minor punishment has duly been discussed by the Tribunal in detail. The explanation offered by the petitioner also appears to have been considered by the

competent authority with due application of mind. No infirmity has been pointed out in so far as adherence to the rule of opportunity of hearing is concerned. Even on the application of mind, we find that the competent authority having duly gone through the explanation offered by the petitioner has left no lacuna in the order in considering the explanation. The ground of non-application of mind urged before us is not made out.

5. The findings recorded by the Tribunal on the order passed by the competent authority on merit as well as by following the due procedure under law does not suffer from any infirmity and deserves affirmation.

6. No case for interference is made out. The petition being bereft of any merit is hereby **dismissed**.

(Om Prakash Shukla, J.) (Attai Rahman Masoodi, J.)

Order Date :- 7.11.2023

Anand Sri./-