

Neutral Citation No. - 2023:AHC-LKO:77313-DB

Court No. - 1

1. Case :- SPECIAL APPEAL DEFECTIVE No. - 896 of 2023

Appellant :- State Of U.P. Thru. Addl. Chief / Prin.Secy. Rural Engineering Deptt. U.P. Govt. Lko. And Others

Respondent :- Dharendra Sahai

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Mohd. Usman Ghani Khan

Connected with

2. Case :- SPECIAL APPEAL No. - 309 of 2023

Appellant :- State Of U.P. Thru. Prin. Secy. Public Work Deptt. Civil Sectr. Lko. And Others

Respondent :- Ram Achal Koulik

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Phool Bux Singh

3. Case :- SPECIAL APPEAL No. - 344 of 2023

Appellant :- State Of U.P. Thru. Prin. Secy. Food And Civil Supplies Deptt. U.P. Civil Sectr. Lko. And Others

Respondent :- Smt. Anju Kumari

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Jagdambika Prasad Tripathi

4. Case :- SPECIAL APPEAL No. - 346 of 2023

Appellant :- State Of U.P. Thru. Addl. Chief Secy./Prin. Secy. Lok Nirman Vibhag Civil Sectr. Lko. And Another

Respondent :- Eklavya Kumar

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Anwar Ashfaq

5. Case :- SPECIAL APPEAL No. - 376 of 2023

Appellant :- State Of U.P Thru. Addl Chief Secy. Deptt. Appointment Govt. Sectt. Lko And Another

Respondent :- Pradeep Kumar Srivastava

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Gaurav Mehrotra

6.Case :- SPECIAL APPEAL No. - 397 of 2023

Appellant :- State Of U.P. Thru. Prin. Secy. State Tax Govt. Civil Sectr. Lko. And Another

Respondent :- Madhur Milan Singh

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Madhav Chaturvedi

7.Case :- SPECIAL APPEAL No. - 456 of 2023

Appellant :- State Of U.P. Thru. Addl. Chief Secy. Revenue Deptt. Govt. Of U.P. Lko. And Others

Respondent :- Giriwar Singh

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Mahendra Pratap Singh

8.Case :- SPECIAL APPEAL DEFECTIVE No. - 187 of 2023

Appellant :- State Of U.P. Thru. Prin. Secy. Namani Gange Evm Gramin Jalapurti And 2 Others

Respondent :- Mrityunjai Kumar

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Mahendra Pratap Singh

9.Case :- SPECIAL APPEAL DEFECTIVE No. - 188 of 2023

Appellant :- State Of U.P. Thru. Its Addl. Chief/ Prin. Secy. Secrtr. Administration Deptt. Lko. And Another

Respondent :- Mithilesh Kumar

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Gaurav Mehrotra

10.Case :- SPECIAL APPEAL DEFECTIVE No. - 208 of 2023

Appellant :- State Of U.P. Thru. Addl. Chief Secy. Prin. Irrigation And Water Resources Lko.

Respondent :- Sanjeev Kumar

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Raj Kumar Upadhyaya (R.K.Upadhyaya)

11.Case :- SPECIAL APPEAL DEFECTIVE No. - 210 of 2023

Appellant :- State Of U.P. Thru. Addl. Prin. Secy. Minority Welfare And Waqf Lko. And 3 Others

Respondent :- Amar Nath Pandey

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Pt. S. Chandra

12.Case :- SPECIAL APPEAL DEFECTIVE No. - 232 of 2023

Appellant :- State U.P. Thru. Prin. Secy. Food Civil. Suppli. Deptt. Govt. Civil Sectr. Lko. And 3 Others

Respondent :- Smt. Archana Tiwari

Counsel for Appellant :- Nishant Shukla

Counsel for Respondent :- Jagdambika Prasad Tripathi

13.Case :- SPECIAL APPEAL DEFECTIVE No. - 240 of 2023

Appellant :- State Of U.P. Thru. Prin. Secy. Food And Civil Supplies Deptt.
U.P. Civil Secrt. Lko. And Others

Respondent :- Krishna Mohan Srivastava

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Jagdambika Prasad Tripathi

14.Case :- SPECIAL APPEAL DEFECTIVE No. - 272 of 2023

Appellant :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Revenue U.P.
Govt. Civil Secrt. Lko. And Others

Respondent :- Harish Chandra Pathak And Another

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Shobhit Mohan Shukla, Anand Mani
Tripathi, Saryu Prasad Tiwari

15.Case :- SPECIAL APPEAL DEFECTIVE No. - 322 of 2023

Appellant :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Appointment
U.P. Govt. Civil Secrt. Lko.

Respondent :- Vijay Kumar

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Nitish Kumar Srivastava, Raj Kumar Upadhyaya
(R.K.Upadhyaya)

16. Case :- SPECIAL APPEAL DEFECTIVE No. - 468 of 2023

Appellant :- State Of U.P. Thru. Its Addl. Chief Secy. Deptt. Of Revenue
Lko. And 2 Others

Respondent :- Prashant Shukla

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Gaurav Mehrotra, Akber Ahmad

17.Case :- SPECIAL APPEAL DEFECTIVE No. - 557 of 2023

Appellant :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Finance (Audit)
Govt. Of U.P. Lko. And Others

Respondent :- Avanindra Dikshit And Others

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Neel Kamal Mishra, Raj Kumar Upadhyaya
(R.K.Upadhyaya), Siddhant Mishra

18.Case :- SPECIAL APPEAL DEFECTIVE No. - 663 of 2023

Appellant :- State Of U.P. Thru. Prin. Secy. Deptt. Transport U.P. Govt.
Civil Secrt. Lko And Another

Respondent :- Saurabh Kumar

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Gaurav Mehrotra

19.Case :- SPECIAL APPEAL DEFECTIVE No. - 751 of 2023

**Appellant :- State Of U.P. Thru. Prin. Secy. Deptt. Of Commercial Tax/
State Tax Civil U.P. Govt. Lko And Others**

Respondent :- Ram Shankar

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Priya Vrat

AND

20.Case :- SPECIAL APPEAL DEFECTIVE No. - 793 of 2023

**Appellant :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Finance Govt.
Of U.P. Lko. And Another**

Respondent :- Arvind Kumar Singh And Another

Counsel for Appellant :- C.S.C.

**Counsel for Respondent :- Shiv P. Shukla,Raj Kumar Upadhyaya
(R.K.Upadhyaya),Ravi Shan Tewari**

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. At the outset, it has been submitted by learned counsel for the appellants that some appeals, namely Special Appeal (D) Nos. 896 of 2023, 187 of 2023, 188 of 2023, 208 of 2023, 210 of 2023, 323 of 2023, 240 of 2023, 272 of 2023, 322 of 2023, 468 of 2023, 557 of 2023, 663 of 2023, 751 of 2023 and 793 of 2023 have been filed with some delay. The applications for condonation of delay are duly supported with affidavits.

2. There is no objection filed by the respondents against condonation of delay.

3. Having regard to the averments made in the affidavits filed in support of the applications seeking condonation of delay, we are satisfied that the delay in filing the intra-court appeals have sufficiently been explained.

4. Accordingly, the applications are allowed and delay in filing the said special appeals is hereby condoned.

Order on Memo of the Appeal

5. Heard learned counsel for the parties.

6. This bunch of intra-court appeals has questioned a limited part of the impugned judgement which reads as:-

“Learned Chief Standing Counsel-III makes a statement before this Court, on instructions, that the State shall ensure that appropriate departmental proceedings are initiated against the erring Inquiry Officers as well as the disciplinary authorities. He assures the Court that these proceedings shall also be brought to its logical conclusion, within a period of two months in accordance with law. “

7. The aforesaid direction had come to be issued in the wake of the fact that this Court had time and again experienced the disciplinary authorities having not followed the mandate of law, partly for the reason that untrained Inquiry Officers were assigned the enquiry and as a consequence of dereliction of duty, the observance of the rule of law was not meticulously met with.

8. We however notice that the disciplinary proceedings in all the matters have been reopened. It is also informed that some exercise of training of the government staff for the purposes of holding departmental inquiry has also been provided for as per the directions issued by this Court in the order dated 07.05.2022 passed in Writ-A No.2555 of 2023(Prakash Chandra Agarwal vs State of U.P and Anr).

9. The impugned direction according to Sri Abitabh Rai, learned Additional Chief Standing Counsel proceeds on the basis of a concession offered by Chief Standing Counsel-III and the same is prayed to be expunged in the light of the changed circumstances for the reason that the inquiries which

are to be held in pursuance of the judgement passed by this Court shall henceforth be conducted strictly in accordance with the rules applicable in this behalf.

10. It is also assured that in case any of the Inquiry Officers in future is found guilty of not adhering to the rules strictly, the State shall proceed to take a strict action against such an erring officer so that repeated anomalies in the disciplinary proceedings do not creep in.

11. We hope and trust that the necessary guidelines issued as regards the conduct of disciplinary proceedings are duly sensitized amongst the government officials deputed for such a duty and ample care is taken to conduct the disciplinary proceedings as per rules so that the purpose of law for maintaining discipline, integrity and obedience is served.

12. Since this Court is already monitoring the issue in question in Special Appeal No.351 of 2022:State Of U.P.Thru.Addl.Chief Secy./Prin.Secy. Home Deptt. Lko And Another vs Prakash Chandra Agarwal, therefore, we hereby expunge the aforesaid part of the judgement for any further action to be taken against the disciplinary officers or inquiry officers for which the respondents do not have any objection. The order passed by this Court shall stand modified accordingly.

13. It is made clear that this Court has not entered into any other aspect of the matter decided by the writ court.

14. All the appeals are *disposed of* accordingly.

Order Date :- 22.11.2023

Shahnaz