

Court No. - 1

Case :- WRIT - A No. - 9640 of 2023

Petitioner :- State Of U.P. Thru. Prin. Secy. Food And Logistic Deptt.
Govt. Of U.P. Lko. And Others

Respondent :- Shama Khan And Another

Counsel for Petitioner :- C.S.C.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. This writ petition assails the judgement/order dated 12.7.2023 passed by the U.P. Public Services Tribunal in claim petition no. 1140 of 2016, whereby, the order for recovery of a sum of Rs. 4,63,766/- imposed upon the delinquent employee on 31.3.2016 and the appellate order dated 10.12.2021 affirming the recovery were quashed.

2. Learned counsel for the State has argued that the learned tribunal has quashed the orders assailed in the claim petition on procedural grounds and without relegating the matter to the department for holding the inquiry afresh.

3. The delinquent employee who had filed an appeal against the punishment order dated 31.3.2016 died during the pendency of appeal. The appeal was disposed of by order dated 10.12.2021 and a copy of the same was communicated to the wife of the delinquent employee. The claim petition was thus filed by the legal heirs of the delinquent employee.

4. The delinquent employee has already died and looking to this fact we do not find any scope for relegating the matter to the department for any fresh inquiry. The

ground urged before this Court in the peculiar facts of the case is rejected.

5. For the aforesaid reasons as well as taking into consideration the purpose of disciplinary action, we do not find it a fit case for interference under Article 226 of the Constitution of India.

6. The writ petition is accordingly dismissed.

Order Date :- 16.12.2023

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