

Court No. - 1

Case :- WRIT - A No. - 9693 of 2023

Petitioner :- State Of U.P. Addl. Chief Secy. Deptt. Appointment U.P. Govt. Civil Sectt. Lko.

Respondent :- Dr. Lalit Verma And Others

Counsel for Petitioner :- C.S.C.

Counsel for Respondent :- Utsav Mishra,A.S.G.I.,Harsh Vardhan Mehrotra

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J..

(1) Heard learned State Counsel appearing for the State-petitioner, Sri Gaurav Mehrotra and Sri Utsav Mishra, learned counsel appearing for the respondent No.1 and Sri Raj Kumar Singh, learned counsel appearing for the respondent No.2.

(2) It is painful to notice that the State brings about unwanted and unwarranted litigation on the basis of misconceived legal advice as is a case at hand. The prayer granted by the Central Administrative Tribunal, Lucknow Bench, Lucknow in paragraph 22 of the impugned order dated 31.05.2023 reads as under :

"22. It is accordingly directed as hereunder :-

- i. The Charge sheet dated 04.08.2021 is quashed;
- ii. Liberty is granted for the disciplinary proceedings to restart from the concerned stage after competent approvals of the competent authority per the CCS(CCA) Rules 1965."

(3) A writ petition filed before this Court nevertheless on the premise that there was no procedural illegality regarding approval of the charge sheet, in our humble view, is not only unsustainable but uncalled for. The Tribunal has left it open for the competent authority to seek necessary approvals as per Central Civil Services (Classification, Control and Appeal) Rules, 1965.

(4) It is also to be noticed that the State, as per the stand taken before the Tribunal, had argued that the decision to initiate disciplinary proceedings once

approved by the competent authority would not require any further approval of the charge sheet by the disciplinary authority. The stand adopted by the State being misconceived was disapproved by the Tribunal. The opinion recorded by the Tribunal in this regard is well supported in the case of ***State of Tamil Nadu represented by Secretary to Government (Home) v. Promod Kumar, IPS and another [(2018) 17 SCC 677]***.

(5) Once ample opportunity was reserved for the State to proceed against the delinquent employee, there is no reason to interfere in this writ petition, which is accordingly, **dismissed**.

.

[Om Prakash Shukla, J.] [Attau Rahman Masoodi, J.]

Order Date :- 19.12.2023

Sanjay