

Court No. - 5

Case :- WRIT - A No. - 8084 of 2024

Petitioner :- N.K. Yadav (Naresh Kumar Yadav)

Respondent :- U.P. Cooperative Sugar Mills Federation Ltd.
Thru. Managing Director And Another

Counsel for Petitioner :- Mahendra Pratap Singh, Krishna Kant
Yadav

Counsel for Respondent :- Abhishek Dwivedi, Sudhanshu
Chauhan

Hon'ble Abdul Moin, J.

1. Heard learned counsel for the petitioner and Sri Sudhanshu Chauhan, learned counsel for the respondents.
2. At the very outset, learned counsel for the petitioner states that he does not intend to file rejoinder affidavit.
3. The aforesaid statement of learned counsel for the petitioner is recorded.
4. Under challenge is the order dated 14.06.2023 passed by respondent no.2, a copy of which is Annexure-1 to the petition.
5. The contention of learned counsel for the petitioner is that the petitioner had retired on attaining the age of superannuation on 31.05.2020 and there is no provision under law for passing of an order of punishment after conducting disciplinary proceeding subsequent to retirement of an employee.
6. In this regard, reliance has been placed on the judgments of the Apex Court in the cases of **Dev Prakash Tewari vs. Uttar Pradesh Cooperative Institutional Service Board, Lucknow and others - (2014) 7 SCC 260** and **Bhagirathi Jena vs. Board of Directors, O.S.F.C. and others - (1999) 3 SCC 666**.
7. Sri Sudhanshu Chauhan, learned counsel appearing for the respondents, does not dispute the aforesaid proposition of law as laid down by Hon'ble Supreme Court in the aforesaid judgments and fairly states that no punishment order after conducting disciplinary proceedings could have been passed subsequent to retirement of the petitioner. However, Sri Chauhan states that there is no bar for passing an order of surcharge with respect to retired employees.

8. Considering the aforesaid more particularly when the impugned punishment order has been passed subsequent to retirement of the petitioner and as fairly stated by learned counsel for the respondents that no punishment order can be passed in disciplinary proceedings conducted subsequent to retirement of the petitioner consequently the writ petition is **partly allowed** and the impugned order dated 14.06.2023, a copy of which is Annexure-1 to the petition, is quashed.

9. Consequences to follow.

10. However, it would be open to the respondents to pass a fresh order against the petitioner in accordance with law.

Order Date :- 18.12.2024

A. Katiyar