



2025:AHC:175079

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 10049 of 2025

Amarjeet Singh Vaishya

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anshul Sengar, Atul Kumar Shahi
Counsel for Respondent(s)	:	C.S.C.

Court No. - 4

HON'BLE AJIT KUMAR, J.

Heard Sri Ashok Khare, learned Senior Advocate assisted by Sri Atul Kumar Shahi and Anshul Sengar, learned counsel for the petitioner as well as Sri Sanjiv Singh, learned Additional Advocate General assisted by Sri P.K. Srivastava, learned Additional Chief Standing Counsel for the State respondents.

This Court while entertaining this petition on 22.07.2025, has passed following order:

"Instruction placed today is taken on record.

Heard Sri Ashok Khare, learned Senior Advocate assisted by Sri Atul Kumar Shahi, learned counsel for the petitioner and learned Standing Counsel for the State respondents.

The submission advanced by learned Senior Advocate is two fold: firstly, once the law court/ Tribunal had directed to conclude the departmental inquiry upon the chargesheet within a prescribed period of time, failing which petitioner would be entitled to all consequential benefits, respondents were not justified in prolonging the inquiry beyond the prescribed period of limitation and thereafter passing order of punishment on the basis of inquiry report; and secondly, no oral inquiry was held in the matter whereas the documents that were relied upon included a preliminary fact finding inquiry report dated 8th August, 2017 and the letter of the District Magistrate, Kanpur Nagar dated 8th August, 2017 and statements of various persons and yet the inquiry officer has

held that there was no necessity to hold oral inquiry in the matter which according to learned Senior Advocate is de hors the procedure prescribed under Rule 7 of U.P. Government Servant (Discipline and Appeal) Rules, 1999.

Matter requires consideration.

Learned Standing Counsel is directed to produce the original records relating to the departmental inquiry held in the matter that resulted in the punishment of reversion of the petitioner, by the next date fixed.

List on 25th July, 2025. "

Today the original records are produced which do not show that any procedure prescribed under the U.P. Government Servant (Discipline and Appeal) Rules, 1999 was followed before passing of order of punishment in the nature of reversion on 16.06.2025 impugned herein this petition.

Sri Sanjiv Singh, learned Additional Advocate General also does not dispute that from the records it is not reflected that any such procedure was followed before passing the order of major penalty.

In the circumstances, he submits that the respondents may be granted opportunity to proceed afresh as per the procedure prescribed under the Rules, 1999.

In the considered view of the Court, when a confirmed employee is sought to be reverted, a penalty, major in nature under the Rules, 1999, which are admittedly applicable in the service/ employment in the department in which the petitioner is working, it was *sin qua non* for the respondents to have followed the procedure laid down under rule 7 of Rules, 1999 before passing the order of major penalty.

In the circumstances, the order impugned has rendered unsustainable.

Accordingly, writ petition succeeds and is **allowed**. Order dated 16.06.2025 is hereby quashed with all consequential benefits.

However, since there has been a procedural defect, it is hereby left open for the respondents to proceed with afresh against the petitioner in accordance

with the relevant discipline and appeal Rules, if so desire.

Original records are returned.

Learned Additional Advocate General proceed afresh by formulating the charges, if they so desire.

(Ajit Kumar,J.)

September 26, 2025
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