



2025:JHC-1 K0:2946H

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 14164 of 2025

Manoj Kumar Rathore

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Of
Housing Urban Planning Lko. And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Rakesh Chandra Tewari
Counsel for Respondent(s)	:	C.S.C.

Court No. - 18

HON'BLE SHREE PRAKASH SINGH, J.

1. Heard learned counsel for the petitioner, learned Additional Chief Standing Counsel and perused the record.
2. With the consent of the parties, the present writ petition is finally decided at the admission stage.
3. The present writ petition has been preferred for assailing the order dated 04.06.2025, passed by respondent no. 1, whereby an inquiry report submitted by the Inquiry Officer has been rejected and new proceedings have been initiated by appointing another inquiry officer.
4. The contention put forth by learned counsel for the petitioner is that the petitioner who was initially appointed in the year 2004 on the post of Junior Engineer; on the work charge establishment; was again appointed on regular basis and he was discharging his duties to the best satisfaction of the superiors and his career has been unblemished during his service period.
5. It is submitted that for the alleged charges, the inquiry officer was appointed, who submitted his report while exonerating from three charges, before the Disciplinary Authority i.e. respondent no. 1. He also submitted that the Disciplinary authority, without following the mandate of Rule 9(2) of the U.P Government Servant Discipline and Appeal Rules (hereinafter referred as "Rules 1999") has proceeded in the matter and rejected the inquiry report and has appointed another inquiry officer for dealing with the proceedings of inquiry. He submitted that the impugned order dated 04.06.2025 is against the provision of Rule 9(2) of the Rules, 1999 and therefore, the same deserves to be quashed.
6. In support of his contention, he has placed reliance upon the judgment

rendered in the case of ***State of U.P versus Rajit Singh, 2022, SCC Online SC 341*** and also in the case of ***Chairman, L.I.C versus A. Masilamani, 2013, 6 SCC 530*** and submits that the case of the petitioner is squarely covered by the ratio of the aforementioned judgments.

7. On the other hand, learned counsel for the respondent submits that the respondent no. 1, while going through the inquiry report, thoroughly, has found that the same has not been done properly and therefore, inquiry officer was appointed for fresh inquiry in the matter, though, he has failed to substantiate his argument regarding the failure of the respondent no. 1 for proceeding with the mandate of Rule 9(2) of the Rules, 1999.

8. Upon considering the submission of learned counsel for the parties, it is apparent that the inquiry officer submitted report while exonerating for all three charges which were levelled against the petitioner. The Disciplinary Authority, without recording any disagreement with the inquiry report and without following the mandate of Rule 9(2) of Rules, 1999 has appointed new inquiry officer for inquiry in the matter.

9. This Court has also taken note of the law rendered in the case of ***State of U.P versus Rajit Singh*** and ***Chairman, L.I.C versus A. Masilamani***, consequently, the order dated 04.06.2025 is unsustainable and resultantly, the same is hereby quashed.

10. The matter is remitted to the disciplinary authority concerned to pass fresh order on the inquiry report dated 27.02.2025, sent by the inquiry officer, within a period of three weeks from the date certified copy of this order is served.

December 16, 2025
DiVYa

(Shree Prakash Singh,J.)