2026:AHC:210047

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 610 of 2015

Manoj Kmar Singh

.....Petitioner(s)

Versus

Union Of India 3 Ors

.....Respondent(s)

Counsel for Petitioner(s)	:	Arvind Srivastava, Pankaj Lal, Vikram Bahadur Singh
Counsel for Respondent(s)	:	Dhananjay Awasthi, S.C., S.K. Anwar, Sudarshan Singh, Vivek Singh

Court No. - 34

Sl. No. 15

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Shri Arvind Srivastava, learned counsel for the petitioner and Shri Sudarshan Singh, learned counsel for the respondents.

2. The instant petition has been filed seeking the following reliefs:

> *"(i) Issue a writ, order or direction in the nature of certiorari quashing the letter/order dated 27.8.2014 as well as 19.11.2014 passed by the respondents no. 2 and 3 annexure no. 5 and 8.*
>
> *(ii) Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 2 to decide the appeal of petitioner dated 11.9.2014, a fresh and pass speaking order.*
>
> *(iii) Issue a writ, order or directioin in the nature of mandamus commanding the respondent no. 2 to reinstate the petitioner in service till the out come of criminal appeal no. 999 of 2014 , like P.L. Verma's case."*

3. Briefly stated, facts of the case are that the original petitioner was working as Inspector in Railway Protection Force. He was convicted in a criminal case no. 8 of 2011 R.C. No. 0062011A0015/2011 vide order

dated 28.7.2014 for the offences under section 7 of Anti Corruption Act, 1988 as well as under sections 13(1)(d) read with section 13(2) of Anti Corruption Act, 1988 and sentenced to 4 years RI with fine of Rs.40,000/- and five years RI with fine of Rs.50,000/- respectively. On the basis of the aforesaid conviction order dated 28.7.2014, relying upon Rule 161(i), 161(ii) and Rule 162.2, 162.3 and 162.4.2 of Railway Protection Force Rules 1987 the petitioner herein was dismissed from service vide order dated 27.8.2014. Against the said order dated 28.7.2014, the petitioner has preferred an appeal on 11.9.2014 before the Appellate Authority i.e. the Director General Railway Protection Force, Railway Board, Rail Bhawan New Delhi. The said appeal of the petitioner was also rejected on the ground that in the criminal appeal filed by the petitioner only the sentence was suspended, however, the conviction has not yet been interfered during the pendency of the said criminal appeal preferred against the conviction order dated 28.7.2014.

4. Learned counsel for the appellant submits that the criminal appeal filed by the original petitioner is still pending though the original petitioner has died on 21.09.2020 and after his death his legal heirs have already been substituted in the said criminal appeal as well as in the instant writ petition. In such view of the matter, the prayer no. 2 and 3 made in the instant petition have become infructuous. So far as prayer no. 1 is concerned, this court do not find any illegality in the said dismissal order dated 27.8.2014 passed on the basis of the conviction of the petitioner in the criminal case in terms of the Rule 161 (i), 161(ii) and Rule 162.2, 162.3 and 162.4.2 of Railway Protection Rules 1987.

5. However, it is provided that in case the original petitioner is acquitted in the said criminal appeal it will be open for the substituted petitioners to claim the benefits as may be accrued in their favour in terms of the acquittal of the original petitioner.

6. With the aforesaid observation, the instant petition is **disposed of.**

(Anish Kumar Gupta,J.)

October 7, 2026
o.k.

Digitally signed by :-
OM KRISHNA CHOUDHARY
High Court of Judicature at Allahabad