2026:AHC:208425-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 16382 of 2026

Union of India and 2 others

.....Petitioner(s)

Versus

Ashok Kumar Srivastava

.....Respondent(s)

Counsel for Petitioner(s) : Pranay Krishna
Counsel for Respondent(s) :

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This petition is directed against order dated 16.01.2026 passed by Central Administrative Tribunal, Allahabad Bench, Allahabad in Original Application No. 81 of 2026, whereby the petitioners have been directed to decide the pending appeal within a period of three months and in case the appeal has been decided, the order be communicated to the respondent and order dated 13.05.2026 passed in Review Application No. 21 of 2026 passed by the Central Administrative Tribunal, whereby the review application was dismissed as barred by limitation.

2. The Original Application was filed by the respondent seeking decision on the pending appeal.

3. Submissions were made that disciplinary proceedings were started in the year 1998 and punishment was imposed on 05.09.2005, against which appeal was preferred on 10.10.2005, however, the same was not decided. Prayer was made seeking a direction to decide the pending appeal. The petitioners raised objections about the maintainability of the original application claiming the same to be barred by limitation.

4. The Tribunal, after hearing the parties, came to the conclusion that there was no occasion for the respondent to file delay condonation application as the petitioners have failed to take any decision on the pending appeal and directed decision on the appeal within a period of three months, as noticed hereinbefore.

5. Counsel for the petitioners made submissions that the Tribunal was not justified in directing the decision on the appeal after passage of over 21 years. Submissions have been made that the record, as available with the petitioners pertaining to the disciplinary proceedings, already stands weeded out and, therefore, directing the decision on the appeal is not justified. Further submissions were made that the application was *ex-facie* barred by limitation and on that count also, the same was liable to be dismissed.

6. However, when a specific query was put to the counsel for the petitioners as to whether at any point of time the appeal was decided, the submissions made are that the appeal has not been decided. In those circumstances, once it is an admitted fact that the appeal, as filed, has not been decided, the attempt made by the petitioners by first filing the review application and then the present writ petition, seeking to avoid its responsibility to decide the appeal, that also in a petition filed under Article 226 of the Constitution of India, cannot be countenanced.

7. Once, admittedly the appeal is pending, filing of the writ petition seeking a direction not to decide the appeal, cannot be maintained.

8. The petition is, therefore, dismissed.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

October 6, 2026
SL/Sazia

Digitally signed by :-
SHYAM LAL
High Court of Judicature at Allahabad