2026:AHC:227383-DB

# HIGH COURT OF JUDICATURE AT ALLAHABAD

**SPECIAL APPEAL No. - 1226 of 2026**

Sudarashan Ram

.....Appellant(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

| | | |
|---|---|---|
| Counsel for Appellant(s) | : | Manoj Kumar, Ramesh Chandra Maurya |
| Counsel for Respondent(s) | : | C.S.C. |

**Court No. - 39**

**HON'BLE SAUMITRA DAYAL SINGH, J.**
**HON'BLE SWARUPAMA CHATURVEDI, J.**

1. Having heard Sri R.C. Maurya, learned counsel for the petitioner-appellant and Sri Ankit Gaur, learned Standing Counsel for the State, in the facts that the writ petition has been filed in the year 2002 challenged the termination order dated 27.03.2000 as confirmed in appeal on 23.09.2002 and further considering the fact that the termination had arisen solely occasioned by conviction in a criminal case against which the criminal appeal is pending before this Court, we find that the consequence of dismissal of the writ petition for want of prosecution being confirmed, is too harsh.

2. Though the observation made by the learned single judge that there was gap of about seven years between in filing the restoration application, is factually correct, at the same time it cannot be ignored that roughly two years had been lost to the circumstances attributable to spread of pandemic Covid-19.

3. Then as to the reasons for the delay, the petitioner has disclosed the facts of termination order being passed occasioned by conviction in a criminal case as also of loss of earning and old age. Presently, the petitioner is about 77 years of age.

4. Accordingly, we find that the petitioner has made out case for condonation of delay. Normally, cost may be imposed for such delay. However, considering the fact that the petitioner is a terminated employee, aged about 77 years of age we do not propose to impose any costs, in such facts.

5. We only observe, in the interest of justice, the petitioner may not have been non-suited on first default. Accordingly, the impugned order dated 21.09.2026 is set aside, the delay condonation application and the restoration application filed in the writ petition are allowed. The writ petition is restored to its original number and status. List before the appropriate bench after four weeks.

6. Accordingly, the Special Appeal is ***allowed***. No order as to costs.

7. Let a copy of this order be placed on the record of the writ petition.

**(Swarupama Chaturvedi,J.)  (Saumitra Dayal Singh,J.)**

**November 2, 2026**

Suraj Srivastav

Digitally signed by :-
SURAJ SRIVASTAVA
High Court of Judicature at Allahabad