



2026:AHC-LKO:41931

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 6003 of 2026

Anil Kumar Singh

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Cooperative
Deptt. U.P. Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : D.K. Singh Chauhan, Mahendra
Bahadur Singh
Counsel for Respondent(s) : C.S.C., Shivanshu Goswami

Court No. - 3

HON'BLE MANJIVE SHUKLA, J.

1. Heard Shri D.K. Singh Chauhan, learned counsel for the petitioner, learned Standing Counsel for respondent no.1 and Shri Anuj Tandon, learned counsel appearing for respondent nos.2 and 3.

2. The captioned writ petition has been filed by the petitioner assailing therein, the orders dated 22.5.2026 and 30.5.2026, whereby disciplinary proceedings have been initiated against the petitioner and he has been attached in the Headquarter.

3. Submission of the learned counsel for the petitioner is that prior to passing of the order dated 22.5.2026 notice was issued to the petitioner to which he submitted reply but while passing impugned order dated 22.5.2026, the said reply has not been considered and it had been recorded in the order that petitioner did not submit any reply.

4. This matter was taken by this Court on 05.6.2026 and following order was passed :-

"1. Shri Annuj Tandon, Advocate has filed his vakalatnama on behalf of respondent nos. 2 and 3, which is taken on record.

2. Heard learned counsel for the petitioner, learned Standing Counsel for the State and Shri Annuj Tandon, learned counsel for the respondent nos.2 and 3.

3. The present petition has been filed by the petitioner being aggrieved by the

order dated 22.05.2026, in pursuance to which a disciplinary inquiry has been initiated against the petitioner and the petitioner has been attached at the headquarters.

4. Learned counsel for the petitioner has drawn the attention of this Court to the impugned order wherein, it is stated that a show cause notice dated 07.05.2026 was issued to the petitioner calling upon the petitioner to submit his reply within two days. However, the petitioner had not submitted any reply till date and it shows the indifference and negligence of the petitioner in complying with the order of the superior officers.

5. It is further contended that the petitioner had submitted a reply to the show cause notice dated 07.05.2026 on 11.05.2026 and the same is duly annexed as Annexure No.6 to the writ petition. Hence, it is contended on behalf of the learned counsel for the petitioner that the impugned order has been passed without application of mind and taking into consideration the reply of the petitioner to the show cause notice

6. Learned counsel for respondent nos. 2 and 3 prays for and is granted one week's time to seek instructions in the matter.

7. In view of the submission so made by the learned counsel for the petitioner, list/put up this case on 22.06.2026 in the fresh list".

5. Shri Anuj Tandon learned counsel appearing for respondent nos.2 and 3 has very fairly submitted that reply was submitted by the petitioner but inadvertently said reply has not been considered while passing impugned orders dated 22.5.2026 and 30.5.2026. He further submits that this Court may set aside the orders impugned in this writ petition and may grant liberty to the competent authority to pass fresh orders in the matter.

6. I have considered the arguments advanced by learned counsels appearing for the parties and I find that prior to passing of the orders impugned in this writ petition, petitioner was issued a show cause notice and he submitted his reply but in the impugned orders dated 22.5.2026 and 30.5.2026 petitioner's reply has not been considered at all and on the contrary a finding has been recorded that he did not submit any reply.

7. Keeping in view the fair admission on behalf of respondent nos.2 and 3, this writ petition is **allowed** on the limited ground of non consideration of petitioner's reply while passing the orders impugned in this writ petition and

therefore, the orders dated 22.5.2026 and 30.5.2026 impugned in this writ petition are hereby set aside. However, liberty is granted to the competent authority to pass fresh orders in the matter after considering reply submitted by the petitioner. It is made clear that this Court has not considered other grounds available to the petitioner to challenge the orders impugned in this writ petition, therefore, if the petitioner is aggrieved by the orders proposed to be passed by the competent authority on the other grounds, it shall remain open to the petitioner to challenge the said orders taking all grounds available to him.

8. It is made clear that if authorities proceed to pass fresh order on the grounds taken in the earlier show cause notice issued to the petitioner, then there is no need to seek fresh reply from the petitioner but if they proceed to take decision on other grounds then they will be under obligation to issue a fresh show cause notice to the petitioner and after taking reply, they can pass the fresh order.

June 24, 2026
mks

(Manjive Shukla,J.)