



2026:AHC-LKO:564-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL DEFECTIVE No. - 8 of 2026

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

.....Appellant(s)

Versus

Anand Kumar Mishra And Another

.....Respondent(s)

Counsel for Appellant(s)	:	C.S.C.
Counsel for Respondent(s)	:	Rakesh Kumar Singh, Raj Kumar Upadhyaya (R.K.Upadhyaya)

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

(Order on C.M. Application No. 01 of 2026)

1. Heard learned counsels for the parties.
2. The instant appeal has been preferred by the State-appellant(s) under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 against the judgment and order dated 06.10.2025 passed by the learned Single Judge of this Court in Writ-A No. 3664 of 2023 (Anand Kumar Mishra vs. State of U.P. and others).
3. There is a delay of about 45 days in filing the instant appeal.
4. Counsel for the respondents do not have any objection to the application for condonation of delay.
5. We have gone through the affidavit filed in support of application for condonation of delay and find that the reasons mentioned therein are sufficient.
6. Accordingly, we **condone** the delay. Application is **allowed**.
7. Let a regular number be allotted to the appeal.

(Order on Appeal)

1. Heard.

2. The appellant relied upon an undertaking allegedly given by the respondent-petitioner for adjustment/recovery of any excess salary paid to him on account of any error, but this document, which is alleged to be signed on 27.11.2019 was not filed before the Writ-Court, therefore, we fail to understand as to how it has been annexed with this appeal instead of filing a review application annexing the document and seeking review of the judgment under challenge.

3. Therefore, we **dispose of** this appeal without interfering with the impugned judgment. However, with the liberty to the appellant to file an application seeking its review on the aforesaid ground subject to right of objection to the respondent-petitioner.

January 6, 2026

Praveen

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)