



2026:AHC-LKO:1202-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 442 of 2025

State Of U.P. Thru. Prin. Secy. Deptt. Of Minority Welfare
Lko And 2 Others

.....Appellant(s)

Versus

Shesh Nath Pandey

.....Respondent(s)

Counsel for Appellant(s)	:	C.S.C.
Counsel for Respondent(s)	:	Alok Kumar Pandey

Court No. - 1

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

1. Heard Shri Sudeep Kumar, learned Additional Advocate General, assisted by Shri Shailendra Kumar Singh, learned Chief Standing Counsel for the State-appellants and Shri Gaurav Mehrotra, learned Senior Advocate, assisted by Shri Alok Kumar Pandey, learned counsel appearing for the respondent.

2. This Special Appeal has been filed by the appellants under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 challenging the Judgment and order dated 10.12.2025 passed by the learned Single Judge in Writ-A No. 14020 of 2025 (Shesh Nath Pandey vs. State of U.P. and others).

3. After arguing the appeal at length, on being confronted with certain queries, as regards the Rules or the Government order where the respondent-petitioner may be liable to approve or disapprove any proposal for VRS and also the fact that no contribution towards G.P.F. account of Shri Shamshul Huda Khan was made by the State Government during the period he was out of service and also as no provision under which recovery could possibly be made from the G.P.F. payable to Shri Shamshul Huda Khan could be shown, learned counsel for the appellants Shri Sudeep Kumar, learned A.A.G. for the State submitted that, as the writ petition is still pending, this Court may clarify that the observations made by the Writ Court would not be an impediment in proceeding with the disciplinary proceedings and arriving at a conclusion as to whether any

misconduct had been committed by the respondent-petitioner or not.

4. Counsel for the respondent says that the observations of the Writ Court are only prima facie observations, which do not come in the way of the inquiry officer or the disciplinary authority in proceeding with the disciplinary proceedings and taking its own decision, however, while proceeding with the disciplinary proceedings, the inquiry officer and the disciplinary authority will be bound to consider the law on the subject of misconduct.

5. We are of the opinion that the observation of the Writ Court are only prima facie observations made at the interim stage, which do not prejudice the disciplinary proceedings at all, as, the learned Single Judge has himself allowed the disciplinary proceedings to continue, therefore, the said proceedings can continue but, as stated by Shri Gaurav Mehrotra, while proceeding with the same the inquiry officer and/or the disciplinary authority will be bound to consider the question of misconduct as per law.

6. As regards the prayer of Shri Sudeep Kumar that the appellate Court may expedite the disciplinary proceedings, we fail to understand as to why this prayer is being made when it is for the State Authority to expedite it and there is no impediment created by the impugned order nor by us in this regard.

7. Subject to the aforesaid clarification, we find no reason to interfere with the impugned order which is an interlocutory order passed during pendency of the writ petition.

8. Appeal is, accordingly, **dismissed**.

January 8, 2026
Praveen

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