



2026:AHC-LKO:2233-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL DEFECTIVE No. - 144 of 2020

Bhaiya Ram Mishra

.....Appellant(s)

Versus

Union Of India Min. Of Home Affairs N. Delhi
And Ors

.....Respondent(s)

Counsel for Appellant(s)	:	Ram Sewak Tripathi
Counsel for Respondent(s)	:	A.S.G .

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard Sri Ram Sewak Tripathi, learned counsel for the appellant and Sri S.B.Pandey, learned Senior Advocate assisted by Sri Devrishi Kumar learned counsel for the opposite parties.
2. This Special Appeal under Chapter VIII Rule 5 of the Allahabad High Rules, 1952 has been filed challenging the judgment and order dated 25.09.2013 passed in Writ Petition No. 5768 (S/S) of 1999.
3. While dismissing the writ petition, the writ court had noticed the delay in filing the writ petition in 1999 challenging the order of removal dated 19.12.1985. In the impugned order, the statement of the counsel for the respondents that no appeal had been filed against the removal order has been recorded. Apart from it, the writ court has also considered the merits of the issue and found that the procedure prescribed for imposing such punishment has been adhered and the charge of corruption was a serious one. In ultimate analysis, the writ petition has been dismissed, especially as it was delayed by 14 years. This appeal was filed on 17.3.2020 i.e. almost 7 years after passing of the impugned judgment dated 25.9.2013.
4. On being asked to explain the delay, learned counsel for the appellant submitted that entire belongings of the appellant had been burnt in a fire accident. He referred to an F.I.R. lodged by the appellant with respect to the incident dated 18.05.2012, however, the writ petition itself having

been decided in 2013, the said F.I.R. and incident dated 18.05.2012 has no relevance to the delay, especially in filing the appeal.

5. Not only the writ petition was highly belated but the appeal is also highly belated for which no explanation has been furnished. We do not find the explanation offered for the delay in filing the appeal to be acceptable. **We reject the application for condonaiton of delay in filing the appeal. Consequently, the appeal is also dismissed.**

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

January 12, 2026

Anuj Singh