



2026:AHC-LKO:2778-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 398 of 2014

State Of U.P. Thru. Secretary Minority Welfare And Anr.

.....Appellant(s)

Versus

Satish Chandra Gupta And Anr.

.....Respondent(s)

Counsel for Appellant(s)	:	Standing Counsel
Counsel for Respondent(s)	:	Rajesh Tiwari, M.K. Dixit, Pramendra Kumar Singh

Court No. - 1

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

1. Heard.

2. This Special Appeal was filed by the appellants in 2014 challenging the Judgment and order dated 08.01.2014 passed by the learned Single Judge in Service Single No. 3896 of 2003 (Satish Chandra Gupta vs. State of U.P. and others), which reads as under:-

"Heard Sri Rajesh Tiwari, learned counsel for the petitioner as well as learned Standing Counsel.

The petitioner has challenged the order dated 21.6.2003 whereby the petitioner has been repatriated in the parent department, i.e, Nagar Panchayat Sidhauli, Sitapur on the post of Accounts Clerk after completion of five years service on deputation in the department of Directorate of Minority Welfare, State of U.P. Lucknow.

Learned counsel for the petitioner submits that by means of order dated 5 th September, 1997 his services were transferred in the Minority Welfare Department from parent department and since then he is working there. After repatriation when he approached parent department to join there, the parent department turned down him on the ground that it has already appointed one another fellow on his post and, thus, there is no post to take him back in the parent department. This Court by means of interim order dated 10.7.2003 considering the aforesaid circumstances stayed the operation of the order impugned dated 21.6.2003 and thus the petitioner is working in the Minority Welfare Department since more than fifteen years and he is about to retire. As per his age shown in the writ petition he must have completed fifty-seven

years.

Therefore, keeping in view the aforesaid facts, I am of the view that the petitioner is bound to be absorbed in the Department of Minority Welfare, State of U.P. and a writ of mandamus is issued therefor with the directions to the authority concerned to issue a formal order of his absorption in the Department of Minority Welfare, State of U.P. so that the petitioner may get the benefit of service for the purpose of retiral benefits from the said department. The order impugned dated 21.6.2003 is hereby quashed.

In the aforesaid terms, the writ petition is allowed."

3. The only contention of the appellant's counsel is that the respondent-petitioner does not have any right of absorption in the borrowing department, ignoring this law learned Single Judge has allowed the writ petition. However, we find that the impugned judgment itself states that after being sent on deputation to the Department of Minority Welfare, State of U.P. from the Department of Nagar Panchayat, Sidhauri, Sitapur, when the respondent-petitioner was repatriated to his parent department and went to join there he was told that his post had already been filled up by appointing another person meaning thereby there was no post left for his joining in the Nagar Panchayat. Consequently, the writ Court by an interim order dated 10.07.2003 stayed the operation of the order dated 21.06.2003, consequent to which, the respondent-petitioner continued to work in the Minority Welfare Department and as on date of disposal of the writ petition i.e. 08.01.2014 he had been working for 15 years and was about to retire, as he had attained the age of 57 years.

4. As regards the contention of Shri Shukla that the lien of the respondent-petitioner continued in his parent department during deputation, the fact of the matter is that when the respondent-petitioner went back to the Nagar Panchayat to join he was informed that his post has been filled up, meaning thereby, there was no post left on which the lien was to continue, as such, this contention is not acceptable. The fact that he went back to the Nagar Panchayat to join and was not allowed for the reason aforesaid is not disputed by Shri Shukla.

5. In these circumstances, the writ Court issued a mandamus for

absorbing the respondent-petitioner in the Department of Minority Welfare, which we do not find to be unreasonable nor contrary to the law in the facts before us. We are now in 2026, there was no stay in this appeal, therefore, the order must have been complied with. We accordingly see no reason to interfere with the impugned judgment.

6. At this stage, Shri Pramendra Kumar Singh appeared and informed us that the impugned judgment has already been complied, the respondent-petitioner has retired and is receiving pension from the Minority Welfare Department.

7. In view of aforesaid, appeal is **dismissed**.

January 13, 2026
Praveen

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