



2026:AHC-LKO:6914-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 363 of 2025

Nikhil Shukla

.....Appellant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy./Prin. Secy.
Deptt. Revenue Govt. Of U.P. Lko. And 2 Others

.....Respondent(s)

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

Court No. - 1

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

1. On 25.11.2025, following order was passed by this Court:-

"1. Supplementary affidavit filed today is taken on record.

2. Heard.

3. The contention of Shri Asit Chaturvedi, learned Senior Counsel is that firstly, this is not a case where after being satisfied that the inquiry/disciplinary proceedings were vitiated on account of non-observance of the procedure prescribed in U.P. Government Servant (Discipline and Appeal) Rules, 1999 and natural Justice, the matter should have been remanded back for holding the inquiry afresh, considering the material rather the lack of it on the basis of which the inquiry is sought to be held. Secondly, even if it is to be remanded the stage from which the inquiry is to be held de novo has not been specified by the learned Single Judge. Thirdly, the learned Single Judge has himself restricted the payment of salary payable for the period of suspension to 50%, although the appropriate order would have been to direct the competent authority to take a decision under FR-54B of the Financial Handbook.

4. The contention is that the only material is an alleged CD/Whatsapp message. No Whatsapp message has been provided to the appellant. Only a CD was given and the appellant has denied his voice in the CD which is alleged to be his, therefore, according to him, there is absolutely no material based on which it should be subjected to disciplinary proceedings. In fact, the aforesaid CD was presented by

some unidentified person in Janta Darbar to the District Magistrate who wrote to the higher authorities and ultimately, on mere watching of the said CD, it was inferred prima facie that the voice was that of the appellant without there being any other evidence referred in charge-sheet. Accordingly, he is being proceeded.

5. Let the opposite parties file an affidavit in this regard justifying the proceedings de novo as ordered by the writ Court in the circumstances noticed herein-above and what is the material available against the appellant, which may be acceptable even in a disciplinary proceeding as per law.

6. List on 11.12.2025 as fresh.

7. The application for interim relief would be considered on the next date."

2. The veracity of the CD/whatsapp message whatever it is, which the respondent are claiming to be evidence against the appellant in departmental proceedings can be verified as far as permissible in law during the disciplinary proceedings, therefore, we see no reason as to why the proceedings should not be allowed to go on. Whatever pleas are permissible and available to the appellant in defence the same can be taken during the disciplinary proceedings.

3. As regards restriction of the amount of salary payable to the appellant for the period of suspension, we are of the opinion, the learned writ court should have directed the competent authority to take a decision in this regard under FR-54B instead of itself restricting it to 50%. We therefore, set aside that part of the order impugned, by which the writ court has itself reduced the emolument to be paid for the period of suspension to 50% and direct the competent authority to take a decision in terms of FR-54B of the Financial Hand Book, Volume II, Part II to IV.

4. Apart from the above, we seen no reason to interfere with the judgment of the writ court.

5. Accordingly, the appeal is **disposed of** with the aforesaid modification of the impugned judgment.

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

January 30 , 2026
Anuj Singh