



2026:AHC-LKO:8822-DB

**\\HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL DEFECTIVE No. - 86 of 2026

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

.....Appellant(s)

Versus

Abhinandan Singh

.....Respondent(s)

Counsel for Appellant(s)	:	C. S. C .
Counsel for Respondent(s)	:	Ramesh Kumar Srivastava

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

I.A. No. 1 of 2026 (Delay Condonation Application)

1. Vakalatnama filed today by Pt. S. Chandra along with Sri Manoj Kumar Pandey, on behalf of the respondent is taken on record.
2. Heard learned counsel for the parties.
3. The appeal is delayed by 30 days.
4. We have perused the affidavit filed in support of the application for condonation of delay.
5. Considering the explanation offered, which is sufficient and satisfactory, **we condone the delay in filing the appeal. The application is accordingly allowed.**

Order on Special Appeal.

1. By means of this Special Appeal under Chapter -VIII Rules -5 of the Allahabad High Court Rules, 1952, the State has challenged the judgment and order dated 31.10.2025 by which Writ-A No. 11132 of 2025 filed by the respondent has been allowed by the learned Single

Judge.

2. The aforesaid writ petition has been filed assailing an order of suspension dated 18.08.2025 by which the respondent-petitioner, who was Deputy Director Agriculture posted at Bareilly, had been placed under suspension by the State Government for the reasons mentioned therein.

3. Learned Single Judge has quashed the suspension order on the ground that in Para- 8 of the writ petition it has been specifically averred by the petitioner that upon receipt of direction of the higher authorities for providing information/documents pertaining to certain matters he immediately issued a letter dated 04.06.2025 to his subordinate officials for providing such documents. Further the subordinate officials informed the petitioner on 06.06.2025 itself that such documents/information had already been provided. According to learned Single Judge the said averment made in Para-8 of the writ petition had not been denied in Para-8 and Para--9 of the counter affidavit. Further, learned Single Judge has opined that there is no allegation levelled against the petitioner of having colluded with the persons against whom complaint had been made nor there is any allegation of any illegal gratification being taken by the petitioner. The primary allegation was only of not having provided relevant documents to the enquiry committee.

4. In the opinion of the learned Single Judge, the facts did not entail any major penalty against the petitioner unless a collusion is indicated in the enquiry proceedings. In such circumstances, according to the learned Single Judge, the petitioner could not have been placed under suspension in terms of Rule-4 of the Rules of 1999, which contemplates suspension from service only in case of major penalty being imposed.

5. The contention of the appellant's counsel is that the entire order of the learned Single Judge is based on a wrong factual premise that the averment made in Para-8 of the writ petition had not been denied whereas the fact of the matter is that they were suitably denied in the counter affidavit, especially in Para -9 thereof. He has taken us to Para-9 in this regard. Further submission is that it was not open for the learned Single Judge to record such observation that in the facts of the case no major penalty would be entailed, as that stage had not reached as yet and even the charge-sheet had not been issued. He invited our attention to the charge sheet which has subsequently issued to the respondent petitioner and it is dated 19.01.2026, which contains serious charges. He has also taken us through certain other documents and the letter dated 22.05.2025 written by the Joint Director, Agriculture Bareilly Division, Bareilly to the subordinate officials including the respondent-petitioner, who was posted as Deputy Director Agriculture, Bareilly for providing necessary information pertaining to an ongoing enquiry regarding large scale corruption and misuse of funds in the Agriculture and "Bhu Sanrakhshan Department". He also invited our attention to the subsequent letter dated 03.06.2025 written by the same officer to the respondent-petitioner and others as also the letter dated 04.06.2025 written by the respondent-petitioner to his subordinate-Sri Amit Kumar Sndhu and the letter dated 04.06.2025 written by the respondent petitioner to another subordinate- Sri Prakhar Saxena.

6. The contention of the appellant's counsel was that the document relied upon by the respondent-petitioner dated 06.06.2026, which is said to have been submitted by Sri Prakhar Saxena to him that the information/documents supplied is highly suspected as has been mentioned in detail in Para-9 of the counter affidavit, a fact which the learned Single Judge omitted to consider. Moreover, he has stated

that so far as the other subordinate official- Amit Kumar Sindhu is concerned he did not provide any information.

7. Contention is that the enquiry relating to the officials of the District -Bareilly was being conducted with regard to irregular grant of subsidy, grant of DBT to ineligible farmers etc. involving huge embezzlement and misuse of funds. In that the involvement of the officials of the agriculture and "Bhu Sanrakhshan Department" of Bareilly was found but, in spite of repeated request the officials of this departments at Bareilly did not provide requisite information/documents whereupon the Commissioner, Bareilly wrote to the higher officials of the Agriculture Department as is mentioned in the suspension order itself and on account of non cooperation of the officials of the Agriculture Department at the District- Bareilly the enquiry against them could not be completed, as such in this context letters dated 06.05.2025, 21.05.2025 and 02.06.2025 were written by the Joint Director, Bareilly Division, Bareilly to the Joint Director Agriculture, Bareilly, who in turn, wrote letters dated 22.05.2025 and 03.06.2025 to the respondent- petitioner for providing necessary information and documents, as, though the documents are maintained at the district level he is controlling authority being Deputy Director Agriculture but in spite of the said letters, those information and documents were not provided as has been mentioned in detail in Para-9 and Para-10 etc. of counter affidavit. The contention is that the entire premise on which the impugned order is based is a factual error, as if the contents of the Para- 8 have not been denied whereas they have been denied in Para-9 of counter affidavit. In fact, the assertion of the appellant's counsel is that till date the information/documents have not been provided. He has also taken us to contents of the charge-sheet, which has now been issued. The officials, who are involved in the matter are also being proceeded

departmentally.

8. For all these reasons, the contention of the appellant's counsel is that the impugned judgment cannot be sustained. The suspension was justified in the facts of this case considering the seriousness of the allegations against the respondent-petitioner and the fact that he did not ensure furnishing of information/documents as desired by the higher officials in spite of repeated request and did not satisfy himself that the said information/documents have been provided as was required, which is indicative of collusion of the officials of the Agriculture Department and the contrary recital in the impugned judgment by the learned Single Judge is also without any factual basis.

9. On the other hand, Pt. S. Chandra, learned counsel appearing for the respondent-petitioner submits that the only allegation against the respondent-petitioner was that he did not act upon the letter of the Joint Director dated 22.05.2025 and 02.06.2025. The submission is that he immediately wrote to the subordinate officials on 04.06.2026 for providing the relevant information and received a feed back from one of the officials that the information had been provided, therefore, there was no misconduct on his part, certainly not one which could entail a suspension. It is also his submission that in fact the charge-sheet itself has been issued belatedly on 19.01.2026 and all along the respondent-petitioner has remained under suspension, even the subsistence allowance has not been paid, therefore, this is not a fit case where this Court should interfere in an intra-court appeal, however, Pt. S Chandra could not deny the fact that the averments made in Para-8 of the writ petition were in fact denied in Para-9 of the counter affidavit.

10. Having heard learned counsel for the parties and having

perused the record, we are of the opinion that the very premise on which the learned Single Judge has allowed the writ petition and quashed the suspension order is a factual error as if the State had not denied the averment made in Para-8 of the writ petition. The fact of the matter is that in Para-9 detailed reply had been submitted denying Para-8 and also doubting the document dated 06.06.2025 submitted by Sri Prakhar Saxena to the respondent-petitioner. We do not wish to say much at this stage except that some of the recital in the impugned judgment to the effect that there being no allegation levelled against the petitioner of having colluded with the persons against whom the complaint have been made, the fact of the case may not entail any major penalty, were not justified at this stage and when the order was passed as, even the charge sheet had not been issued at that stage. Further, there were serious allegations in the suspension order itself, which gave the background as to why the respondent-petitioner was being placed under suspension. Moreover, there were no occasion for such observation as the stage of deciding as to what punishment should be imposed would reach after the enquiry is completed. Moreover, the initiation of enquiry against the respondent-petitioner was not for imposing minor punishment under the Rules of 1999 but for a major punishment. For all these reasons, we are of the opinion that the impugned **judgment dated 31.10.2025 cannot be sustained. It is accordingly quashed.**

11. We are of the opinion that the matter may be reconsidered by the learned Single Judge. All pleas, which are available to the respondent-petitioner and the appellant-State are open for being raised and considered by the learned Single Judge whether at the interim stage or finally as the case may be, meaning thereby, it shall also be open for the learned writ court to reconsider the interim relief application, however, subject to what has been observed

hereinabove.

12. Appeal is allowed.

13. The appellants are directed to pay the subsistence allowance to the respondent-petitioner as per Rule within 15 days from today, unless it has already been paid. If not paid, this will be a factor to be taken into consideration by the learned Writ Court.

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

February 5, 2026
Anuj Singh