



2026:AHC-LKO:13631-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 212 of 2025

State of U.P. thru. Secy. Secondary Education Lko.
and 2 others

.....Appellant(s)

Versus

Ram Teerath Pandey and 6 others

.....Respondent(s)

Counsel for Appellant(s) : Ms. Isha Mittal C.S.C.

Counsel for Respondent(s) : Umesh Pratap Singh, Shobh Nath
Pandey

Chief Justice's Court

**HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE JASPREET SINGH, J.**

1. Heard Ms. Isha Mittal, learned Additional Chief Standing Counsel for the appellants and Shri Umesh Pratap Singh alongwith Shri Shobh Nath Pandey, learned counsel appearing for the respondents.

2. By means of the instant intra court appeal, the appellants challenge the judgment and order dated 02.08.2024 passed by the learned Single Judge in Writ-A No.2846 of 1992 whereby the writ petition preferred by the private respondents was allowed with a direction to the appellants to pay the arrears of salary to the writ petitioners within a period of two months, from the date a certified copy of order was produced before the concerned Authority.

3. Learned Additional Chief Standing Counsel for the appellants attacked the judgment and order passed by the learned Single Judge on the ground that the learned Single Judge has issued a direction for the payment of arrears of salary without considering the fact that the respondent no.1 had been absconding from his duty and since he did not perform any work, hence he was not entitled to any salary or its arrear on the principles of 'no work no pay'.

4. It has further been submitted that there was a dispute between the respondent no.1 and the Committee of Management relating to the post of Principal in the institution concerned, where one Shri Radhey Shyam

Tiwari was selected. It is also urged that the respondent no.1 alongwith certain other teachers, who were under the influence of the respondent no.1, created an unhealthy atmosphere and even took away the attendance register. An F.I.R. was also lodged against the respondent no.1 and these aspects were not considered by the learned Single Judge while allowing the writ petition.

5. Ms. Mittal has drawn the attention of the Court to the counter-affidavit which was filed before the learned Single Judge both on behalf of Committee of Management as well as District Inspector of Schools with the purpose to impress upon the Court that the conduct of the respondent no.1 was not above board coupled with the fact that he had been dismissed and yet the learned Single Judge has passed a direction for payment of arrears of salary which could not have been done. Thus, the order passed by the learned Single Judge deserves to be set aside after allowing this appeal.

6. Learned counsel for the respondent no.1 refuted the submission advanced by the learned counsel for the appellants and urged that in so far as the fact that the respondent no.1 was working as an Assistant Teacher in the institution is concerned cannot be disputed. The appellants could not not demonstrate that any disciplinary action was taken against the respondent no.1 or any punishment order was passed for his alleged misconduct. It was further submitted that no material could be produced either by the Committee of Management or the District Inspector of Schools to indicate that the respondent no.1 was dismissed from service or that he did not work.

7. In such circumstances, the learned Single Judge considering the material placed on record categorically recorded a finding that the respondent no.1 continued to work and the allegations made against the respondent no.1 relating to his dismissal and unruly conduct could not be proved and in absence of any material mere contentions in the counter-affidavit cannot partake the nature of a proved fact, hence the contentions of the appellants were rejected and the writ petition was allowed. This judgment of the learned Single Judge does not warrant any interference by this Court in its intra court appellate jurisdiction.

8. The Court has heard the learned counsel for the parties and also perused the material on record.

9. At the outset, it may be noticed that the respondent no.1 had approached the writ court in the year 1992 wherein he prayed that the respondent authorities/appellants herein be directed to pay salary to the writ petitioner/respondent no.1 herein.

10. The record further indicates that a counter-affidavit was filed on behalf of the appellants on 07.12.2015 wherein allegations have been levelled against the respondent no.1 but the fact remain that no substantiating documents could be placed on record to buttress the plea taken by the appellant authorities.

11. Similarly, the counter-affidavit filed on behalf of the Committee of Management was also perused and this Court finds that there is no concrete material on record to substantiate the plea taken in the counter-affidavit.

12. A specific query was put to the learned Additional Chief Standing Counsel for the appellants to indicate that in case if an F.I.R. was lodged against the respondent no.1, then what was its outcome. It was also put to the counsel for the appellants as to whether any disciplinary proceedings were initiated against the respondent no.1 for his unruly behaviour and in case if the respondent no.1 was dismissed from service, then whether the said dismissal order was placed before the learned Single Judge or even before this Court. The learned Additional Chief Standing Counsel for the appellants could not satisfy the Court on the aforesaid counts.

13. In this view of the matter and noticing the categorical finding recorded by the learned Single Judge that as far as the appointment of the respondent no.1 on the post of Assistant Teacher on 08.07.1972 is concerned, this fact remained undisputed. Another finding recorded by the learned Single Judge was that though a counter-affidavit was filed yet nothing could be brought on record to substantiate that the respondent no.1 was dismissed from service.

14. As far as the plea that the respondent no.1 was not working could

also not be substantiated as in the counter-affidavit filed by the Committee of Management, it was clearly indicated that the respondent no.1 was paid the salary in terms of the interim direction issued by the Court on 11.05.1992 and it was never contended that the writ petitioner was not working nor the interim order was sought to be vacated on this ground..

15. These findings which are sought to be assailed in the instant appeal have not been substantiated and except for taking grounds in the memo of appeal, there is no material to demonstrate that the said findings are bad.

16. In this view of the matter, this Court does not find that there is any merit in the submissions advanced on behalf of the appellants, accordingly, the instant appeal is sans merit. Special appeal is dismissed. The judgment and order dated 02.08.2024 passed in Writ-A No.2846 of 1992 is affirmed. In the facts and circumstances, there shall be no order as to costs.

(Jaspreet Singh,J.) (Arun Bhansali,CJ.)

February 19, 2026

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