



2026:AHC-LKO:13649-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL DEFECTIVE No. - 276 of 2025

State of U.P. through Additional Chief Secretary/Principal Secretary,
Department of Rural Development, Lucknow and 5 others

.....Appellant(s)

Versus

Mohit Dixit and another

.....Respondent(s)

Counsel for Appellant(s) : V.P. Nag (A.C.S.C.)

Counsel for Respondent(s) : Sanjay Kumar Singh

Chief Justice's Court

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

1. The appeal is barred by 264 days. An application seeking condonation of delay has been filed.
2. For the reasons indicated in the application, supported by affidavit, the same is allowed. The delay in filing the appeal is condoned.
3. This appeal is directed against order dated 09.09.2024 passed by learned Single Judge in Writ-A No. 7436 of 2024, whereby the writ petition filed by respondent no.1 has been allowed and orders dated 07.06.2024 passed by appellant no.4 and 31.08.2020 passed by appellant no.5 have been quashed.
4. The petition was filed seeking to question the validity of order of punishment dated 31.08.2020 passed by District Development Officer, Lucknow, whereby respondent was inflicted with the penalty of stoppage of one increment with cumulative effect and order dated 07.06.2024

passed by Chief Development Officer, Lucknow, whereby the appeal filed by the respondent has been dismissed.

5. A charge sheet was issued to the respondent wherein the Inquiry Officer on 16.03.2020 gave inquiry report and found none of the charges as proved.

6. The Disciplinary Authority, by its order dated 19.03.2020, came to the conclusion that the inquiry report was not based on facts and was incomplete and appointed another Inquiry Officer, and sought fresh report.

7. The second Inquiry Officer also submitted inquiry report on 08.07.2020 and found the charges as not proved.

8. The Disciplinary Authority by its order dated 31.08.2020, by indicating that after going through the report the respondent was found guilty of not following the orders of higher officers, performing official work arbitrarily and misleading the office, imposed punishment of stoppage of one grade increment with cumulative effect.

9. Aggrieved of the said order, appeal was filed which was dismissed by the Appellate Authority by order dated 07.06.2024.

10. Feeling aggrieved, the writ petition was filed *inter alia* questioning the validity of the orders passed for violation of provisions of Rule 9 of the Uttar Pradesh Government Servant (Discipline and Appeal) Rules, 1999 ('Rules, 1999').

11. Learned Single Judge, after hearing the parties, found the orders in violation of provisions of Rule 9 of the Rules, 1999 and consequently, quashed the orders impugned.

12. Counsel for the appellants made submissions that learned Single Judge was not justified in quashing the orders impugned. Submissions have been made that even if the orders were quashed for non-compliance

of provisions of Rules, 1999, the matter should have been remanded back at the stage where the non-compliance took place and quashing of the orders was not justified.

13. Learned counsel for the respondent supported the order impugned.

14. We have considered the submissions made and have perused the material available on record.

15. Admittedly, both Inquiry Officers, one after the other, found none of the charges proved against the respondent. The Disciplinary Authority, by order impugned dated 31.08.2020 only observed as under:

"आचार्य, क्षेत्रीय ग्राम्य विकास संस्थान, बी०के०टी० लखनऊ / जांच अधिकारी ने अपने पत्र संख्या 193 दिनांक 08.07.2020 द्वारा जांच आख्या प्रेषित की गयी जांच अधिकारी द्वारा प्रस्तुत जांच आख्या का अवलोकनोपरान्त पाया गया कि श्री दीक्षित उच्चाधिकारियों के आदेशों का अनुपालन न करने, मनमाने ढंग से शासकीय कार्य करने एवं कार्यालय को गुमराह करने के दोषी है।

अतः श्री मोहित दीक्षित, कनिष्ठ सहायक के विरुद्ध प्रचलित विभागीय अनुशासनात्मक कार्यवाही समाप्त करते हुए श्री मोहित दीक्षित को विकास खण्ड माल में तैनात रखते हुए निम्न दण्ड के साथ अन्तिम रूप से सवेतन बहाल किया जाता है:-

1-श्री दीक्षित की एक वेतन वृद्धि स्थायी रूप से रोकी जाती है।"

16. It would be seen that the Disciplinary Authority has made reference to the inquiry report and has not even indicated that Inquiry Officer has found none of the charges proved and by indicating the respondent guilty of charges, has imposed the punishment.

17. Rule 9(2) of the Rules, 1999 provides that the Disciplinary Authority shall, if it disagrees with the findings of the Inquiry Officer on any charge, record its own findings thereon for reasons to be recorded and under sub-rule (4), if the Disciplinary Authority is of the opinion that any penalty specified in Rule 3 of the Rules, 1999 should be imposed on the charged Government servant, he is required to give a copy of the inquiry

report and his findings recorded under sub-rule (2) to the charged Government servant and require him to submit his representation if he so desires, within a reasonable specified time.

18. Admittedly, the requirements of sub-rule (2) & (4) of Rule 9 of the Rules, 1999 have not been complied with, rather *ex facie* violated by the Disciplinary Authority neither any reasons were recorded nor any notice was issued to the respondent. The Appellate Authority did not care for the violation of the statutory Rules and upheld the order passed by the Disciplinary Authority and therefore, the learned Single Judge was justified in quashing the orders impugned.

19. So far as the plea raised that the matter should have been remanded back to the Disciplinary Authority for recording reasons under sub-rule (2) and give notice of his disagreement under sub-rule (4) is concerned, the said situation of remand may arise in a case where it is found that though the Disciplinary Authority has recorded its reasons for disagreement, it has not issued the notice before imposing the penalty. However, from the order quoted herein before, it would be seen that no reasons worth the name have been recorded for the disagreement in the order impugned dated 31.08.2020 and therefore, there is no question of now remanding the matter back to the Disciplinary Authority for passing a fresh order of disagreement and then issue notice.

20. In view of the above discussion, we do not find any reason to interfere with the order impugned.

21. There is no substance in the appeal, the same is therefore, **dismissed**.

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

February 19, 2026
AHA