



2026:AHC:36615

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 144 of 2026

Krishna Pratap Singh

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shweta Singh Rana, Vivek Pratap Singh
Counsel for Respondent(s)	:	

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Vivek Pratap Singh, learned counsel for the writ petitioner as well as Sri S. Shekhar, learned Additional Chief Standing Counsel for the State.
2. Supplementary affidavit filed today is taken on record.
3. This Court entertained the writ petition on 02.02.2026 and sought instructions. Instructions have been provided by the learned Additional Chief Standing Counsel, which is available on record. Since the statement has been made by the learned counsel for the parties that they do not propose to file any further affidavit, the writ petition is being decided at the fresh stage.
4. The case of the writ petitioner is that he happens to be retired Deputy Superintendent of Police, who superannuated on 31.05.2023. According to the writ petitioner, a charge sheet came to be served upon the writ petitioner in the month of November, 2022 and thereafter post conduction of an inquiry by the Inquiry Officer, the inquiry report came to be submitted on 09.02.2023 against which the writ petitioner preferred his objection on 12.02.2023. Prayer in the present petition is for a direction in the nature of mandamus to set aside unlawful pending disciplinary proceedings and reinstate the position of the petitioner with the same respect and honour. This Court while entertaining the writ petition on 10.01.2026, passed the following order:-

"This Court entertained the writ petition on 10.10.2025 while passing the following orders:

"It is quite surprising that page 38 of the paper book shows that the inquiry report came to be submitted on 09.02.2023, however, today learned Standing Counsel has produced before this Court a communication dated 08.09.2023 so as to contend that the re-inquiry is being directed to be conducted. Approximately, more than 2 years have passed but the Court has not been shown any document regarding the progress and the stage of re-inquiry, if any.

List on 10.02.2026 at 2.00 PM in the additional cause list. By which time, complete instructions have been forwarded to the Court."

Today a communication of the Secretary State of U.P. to the Upar Police Mahanideshak Prashashan have been forwarded dated 10.02.2026 that the inquiry has been concluded on 09.02.2023 and the report has been submitted but before imposition of the punishment approval of the commission is required.

The instructions are completely silent as to on which date, the approval was sought from the Commission.

List on 16.02.2026 at 2.00 PM in the additional cause list.

In case, instructions are not produced then the Court will be constrained to summon the responsible officers.

A copy of the Instructions be served upon the counsel for the writ petitioner, are taken on record as marked as appendix A."

5. Lastly on 16.02.2026, this proceeded to pass the following order, which is extracted hereinbelow:-

"Learned Additional Chief Standing Counsel has made a statement at bar that on 10.02.2026, the matter has been referred to U.P. Public Service Commission for consultation.

On a pointed query being raised to learned counsel for the writ petitioner as to whether any reply was submitted to the inquiry report, the learned

counsel for the writ petitioner seeks time to obtain instructions.

List on 18.02.2026 at 2.00 PM in the additional cause list.

Instructions filed today are taken on record and marked as appendix B. "

6. Learned counsel for the writ petitioner has sought to argue that the entire inquiry proceeding is a clear violation of the Rule-9 of U.P. Government Servant. Submission is that the Inquiry Officer in the zeal to hold the writ petitioner guilty of the allegations has hurriedly submitted the inquiry report and the entire inquiry proceedings is based upon no evidence. Further submission is that though on 09.02.2023, the inquiry report came to be submitted the writ petitioner tendered his reply to the show cause notice/inquiry report on 12.03.2023, but inquiry has not been concluded. Contention is that not only the inquiry proceedings is in violation of the rules but also just in order to harass the writ petition in all possible manner, the final conclusion has not been drawn.

7. Sri S. Shekhar, learned Additional Chief Standing Counsel, on the basis of the instructions, submits that though the inquiry report is dated 09.02.2023 and the papers were sent to the U.P. Public Service Commission on 10.02.2026 and there is a delay on the part of the respondent, but now final conclusion would be drawn in that regard.

8. I have heard the submissions so made across the bar and perused the record. Apparently, the writ petitioner was subjected to the departmental proceedings by way of a charge sheet, inquiry stood conducted and an inquiry report was submitted on 09.02.2023. A show cause notice along with inquiry report was served upon the writ petitioner, which was replied on 12.03.2023. Though the learned counsel for writ petitioner had attacked the finding of the inquiry report on merit, but this Court, at this stage when final orders have not been passed, is not required to delve into the merits of the charges. Might be the writ petitioner may have an iron cast case on merits while contending the fact that he is not guilty of the allegations sought to be levelled, but at this juncture, it would be usurping the exercise which is to be resorted to by the disciplinary authority. Be that as it may be, there is a delay on the part of the respondents in giving the final conclusion to the inquiry proceedings, thus, in the opinion of the

Court, it is the duty of the disciplinary authority/State Government to get the proceedings concluded while taking approval from the U.P. Public Service Commission. The writ petitioner has full right to question the final order so passed if it is against the writ petitioner. All questions are left open. It goes without saying that in case the writ petitioner is not being paid the provisional pension and other benefits, which are admissible under law the same may be paid to the writ petitioner.

9. The writ petition stands disposed of.

(Vikas Budhwar,J.)

February 18, 2026

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