



2026:AHC-LKO:20139

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 9779 of 2025

Ram Achal Kaulik

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Public Work
Deptt. Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Phool Bux Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 7

HON'BLE MANISH MATHUR, J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.
2. Petition has been filed seeking a direction to authority concerned to ensure payment of salary and other allowances admissible under law from the date of dismissal till the date of reinstatement alongwith interest. Further prayer for a direction to authority concerned for payment of 75% salary with interest for the aforesaid period has also been made.
3. At the very outset, learned counsel for petitioner, on the basis of instructions, submits that he is laying emphasis on prayer No.1 and is not pressing prayer No.2 which is accordingly **dismissed as not pressed**.
4. It has been submitted that earlier vide order dated 07.08.2020, petitioner's services were dismissed which was challenged in Writ-A No.24001 of 2020. The said petition was allowed by means of judgment and order dated 07.02.2023 primarily on the ground of violation of Rule 7 of U.P. Government Servant (Discipline and Appeal) Rules, 1999. It was however provided that in case any inquiry is to be conducted, same would be initiated by serving a fresh charge sheet containing documentary as well as oral evidence and the same shall be concluded within a period of four months. The judgment further provided that in case State fails to conclude inquiry

within a period of our months, it was restrained from holding it further.

5. The aforesaid judgment was thereafter challenged in Special Appeal No. 309 of 2023 and was also disposed of vide judgment and order dated 22.11.2023 modifying judgment only to the extent of expunging directions for action to be taken against disciplinary officers/inquiry officers. It is therefore submitted that portion granting time frame for conclusion of inquiry proceedings remained intact and no further appeal was filed.

6. It is submitted that despite liberty having been granted, no further proceedings initiated against the petitioner who was thereafter reinstated in service, but salary for the period from dismissal till re-instatement has not been paid.

7. Learned counsel has adverted to Rule 54-A of Financial Handbook Volume II Parts 2 to 4 to submit that in such circumstances, petitioner is entitled for full salary of the aforesaid period.

8. On 29.01.2026, learned State Counsel was granted time to obtain written instructions as to whether any fresh inquiry was conducted against petitioner in terms of liberty granted.

9. In pursuance thereof, learned State Counsel has been provided written instructions dated 14.03.2026, a copy of which is taken on record and as per which, in paragraph - 10, it has been specifically indicated that the matter was referred to the Committee which in its decision dated 02.03.2023 indicated that no fresh inquiry was required. It is therefore submitted that no fresh inquiry was initiated against petitioner in terms of the liberty granted.

10. It thus being evident that no fresh inquiry was conducted against petitioner after quashing of dismissal order, the aspect of whether petitioner is entitled for full salary of the period commencing dismissal till re-instatement would require consideration.

11. The said aspect has clearly been indicated in Rule 54-A of Financial Handbook Volume - II Parts 2 to 4 which is as follows:-

"F.R. 54-A. (1) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by a Court of Law

and such Government servant is re-instated without holding any further enquiry, the period of absence from duty shall be regularised and the Government servant shall be paid pay and allowance in accordance with the provisions of sub-rule (2) or (3) subject to the directions, if any, of the Court.

(2) (i) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by the Court solely on the ground of non-compliance with the requirements of the clause (2) of Article 311 of the Constitution, and where he is not exonerated on merits, the Government servant shall subject to the provision of sub-rule (7) of rule 54, be paid amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal, or compulsory retirement as the case may be, as the competent authority may determine, after giving notice to Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection, within such period, which in no case shall exceed sixty days from the date on which the notice has been served as may be specified in the notice:

Provided that any payment under this sub-rule to a Government servant other than a Government servant who is governed by the provisions of Payment of Wages Act, 1936 (4 of 1936) shall be restricted to a period of three years immediately preceding the date on which the judgment of the court was passed or the date of retirement on superannuation of such Government servant, as the case may be.

(ii) The period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be and date of judgment of the Court shall be regularized in accordance with the provisions contained in sub-rule (5) of Rule 54]..."

12. The aforesaid aspect has also been dealt with by Hon'ble Supreme Court in ***Raj Narain v. Union of India & Ors., Civil Appeal No. 3339 of 2019*** in the following manner:-

"7. The point that remains to be considered is whether the

Appellant is entitled to payment of full wages between 1979 and 1987. The Appellant was placed under suspension on 23.10.1979 and his suspension was revoked on 21.10.1987. An interesting development took place during the interregnum by which the disciplinary proceedings were dropped on 21.03.1983. It is clear from the record that the Appellant was the one who was seeking postponement of the departmental inquiry in view of the pendency of criminal case. The order of suspension was in contemplation of disciplinary proceedings. By virtue of the disciplinary proceedings being dropped, the Appellant becomes entitled to claim full salary for the period from the date of his suspension till the date of closure of the departmental inquiry. Thereafter, the Respondents took four years to reinstate him by revoking his suspension. The order of suspension dated 23.10.1979 came to an end on 21.03.1983 which is the date on which disciplinary proceedings were dropped. The Appellant ought to have been reinstated immediately thereafter unless a fresh order was passed, placing him under suspension during the pendency of the criminal trial which did not happen. Ultimately, the Appellant was reinstated by an order dated 21.10.1987 by revocation of the order of suspension. Though, technically, the learned Additional Solicitor General is right in submitting that the impugned judgment does not even refer to the I.A., we are not inclined to remit the matter to the High Court at this stage for fresh consideration of this point. We hold that the Appellant is entitled for full wages from 23.10.1979 to 21.10.1987 after adjustment of the amounts already paid towards subsistence allowance.

8. For the reasons mentioned above, we approve the judgment of the High Court by holding that the Appellant shall be entitled for back wages only from the date of acquittal on 31.08.2001, till the date of his reinstatement on 20.01.2003. Further, the Appellant shall be entitled to full salary from 23.10.1979 to 21.10.1987."

13. Upon applicability of aforesaid facts and circumstances as well as Rules and the judgment, it is thus evident that petitioner's dismissal order having been quashed due to non-adherence of principles of justice pertaining to oral inquiry in terms of Rule 7 of Rules of 1999, and fresh enquiry having not been instituted despite liberty granted by this Court, petitioner would be entitled for full salary from the date of dismissal, i.e., 07.08.2020 till the date of re-instatement in service, i.e., 12.07.2023. Compliance of the order shall be ensured within a

period of eight weeks from the date a certified copy of this order is served upon the said authority.

14. Resultantly, petition succeeds and is **allowed to the above extent**. Parties to bear their own costs.

March 19, 2026
lakshman

(Manish Mathur,J.)