



2026:AHC-LKO:22640

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 2097 of 2026

Mahesh Kumar And Another

.....Petitioner(s)

Versus

**State Of U.P. Thru. Prin. Secy. Labour Deptt. Lko.
And 6 Others**

.....Respondent(s)

Counsel for Petitioner(s)	:	Prabhakar Nath Mishra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 8

HON'BLE JASPREET SINGH, J.

1. Heard Shri P. N. Mishra, learned counsel for the petitioner and Shri Rahul Shukla, learned Additional Chief Standing Counsel for the State.

2. The present petitioners have filed the instant petition seeking the following reliefs:-

(i) Issue a writ order or direction in the nature of certiorari by quashing the impugned order dated 31.08.2024 passed by the opposite party no.2 under Section 15(2) of the Payment of Wages Act, 1936 Case No.P.W.15/2021, Vinod Kumar and others Vs. Vinay Kumar Tiwari, only in respect of the petitioners as contained in Annexure no.1 to this writ petition.

(ii) Issue a writ order or direction in the nature of mandamus commanding and directing the opposite party no.1 to decide the application dated 21.01.2026 with affidavit and also conduct the inquiry of the present matter as well as to take legal and necessary action against the guilty persons involving in the aforesaid case and also to punish them which is contained as annexure no.5 to this writ petition.

3. It is quite strange that the petitioners are seeking quashing of an order passed against the private respondent no.3 under Payment of Wages Act. The petitioners are not aggrieved persons and yet they have filed the

instant petition and it is in this context, the Court was a little apprehensive upon perusal of the pleadings which reflects factual disputes inter se the petitioners and private respondents and therefore on 26.03.2026 had directed the petitioners to appear in person.

4. In pursuance of the order passed by this Court on 26.03.2026, Mahesh Kumar and Ram Soorat had put in appearance before the Court. Ram Soorat is present in person who was put with the query as to whether he recognizes Shri Prabhakar Mishra, learned counsel, who is said to have filed the instant petition on behalf of the petitioner and for what purpose he has filed this petition.

5. Shri Ram Soorat submits that he does not recognize him. It was specifically put to him, in the vernacular, as to whether he knows that he has filed this petition to which he states that he has not seen nor he has filed any petition.

6. In view of the fact that Ram Soorat petitioner no.2 denies the factum of filing the instant petition, this is important for the reason that the writ petition is accompanied by the affidavit of Ram Soorat himself and he has denied it.

7. He submits that he has not even visited the High Court earlier. Then he retracted his statement and further stated that Shri Vinay Tiwari had approached him and he has got him in High Court at Lucknow. He does not know for what purposes he was brought to the High Court. Shri Vinay Tiwari is said to have informed him that you have to sign some papers. He states that he has signed several blank papers. He does not even know why was he doing it. In this view of the statement given by Ram Soorat, the petition cannot be maintained.

8. The petitioner no.1 Mahesh Kumar has submitted that he has also filed the petition allegedly at the instance of the private respondent nos.3 and 4. He further submits that he knows nothing except that he was asked to give a statement that he has received his payment.

9. A specific query was put to him that upon receiving the wages whether he had affixed the signatures or thumb impression to which

which he submitted that he did not put his thumb impression on any sheet acknowledging having received any wages .

10. Considering the aforesaid facts that both the petitioners no.1 and 2 are not even aware why the petition has been filed and it appears that this petition is a proxy petition where the name of the petitioners have been used for oblique purposes which cannot be countenanced. Accordingly, the petition is dismissed.

11. The role of the counsel Shri Prabhakar Nath Mishra is also deprecated inasmuch as he has filed the petition at the behest of the persons who do not even recognize him. This matter requires investigation and action by the Bar Council of Uttar Pradesh against Shri Prabhakar Nath Mishra learned counsel who has filed the instant petition as a proxy petition, without the petitioners, even knowing it and amounts to professional misconduct.

12. After the order was passed and before signing Shri Lalit Kishore Tiwari, Secretary of Oudh Bar Association appeared alongwith the said counsel Shri Prabhakar Nath Mishra and has made a request on behalf of the said counsel that the direction given by the Court to refer the matter of the said counsel to Uttar Pradesh Bar Council may be deleted.

13. Considering the aforesaid request made by the Secretary of the Oudh Bar Association and the unconditional apology of the learned counsel this Court refrains from referring the matter to the Uttar Pradesh Bar Council. However, the said counsel Shri Prabhakar Nath Mishra shall deposit as cost a sum of Rs.5500/- with the Mediation & Conciliation Centre of this Court within two weeks from today.

14. With the aforesaid, the petition stands dismissed.

(Jaspreet Singh,J.)

March 31, 2026

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