



2026:AHC-LKO:19943

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 10296 of 2021

Virendra Kumar

.....Petitioner(s)

Versus

U.P.Cooperative Federation Lko. Thru. M.D. And
Ors.

.....Respondent(s)

Counsel for Petitioner(s)	: Mahendra Pratap Singh, Abhishek Dwivedi, Sudhir Kumar Misra
Counsel for Respondent(s)	: Shireesh Kumar

Court No. - 18

HON'BLE SHREE PRAKASH SINGH, J.

Heard Mr. Sudhir Kumar Mishra, learned counsel for the petitioner, Mr. Shireesh Kumar, learned counsel for the respondents and perused the records.

By means of the present writ petition, the petitioner has assailed the order of punishment passed by the disciplinary authority dated 28-08-2020 by which the petitioner has been awarded three punishments; first, recovery of the loss occurred to the department, second, withholding three increments with cumulative effect and thirdly, the special adverse entry.

Submission of learned counsel for the petitioner is that as per the provision prescribed under Regulation 84 of the U.P. Cooperative Employees Service Regulations, 1975 (hereinafter refereed to as "Regulations, 1975"), the delinquent employee can be punished only by any of the penalties prescribed under the Regulation 84 (a) to (g), whereas apparently, as many as three punishments have been awarded to the petitioner by way of the order impugned, which is impermissible under the law. He added that the case of the present petitioner is squarely covered with the ratio of the Full Bench Judgment in the case of of **Pancham Ram Yadav Vs U.P. Cooperative Federation Ltd. through Managing Director and Another** reported in **2019 SCC Online All 5762**. Thus, submission is

that the order impugned is unsustainable in the eyes of law.

In addition, he argued that this court in an identical matter has passed the order on 07-01-2026, in Writ A No. 15238 of 2025, Ramesh Chandra Vs U.P. Co-Operative Federation Ltd. Thru. Managing Director And 2 Others, which covers the field of the present case.

On the other hand, Mr. Shireesh Kumar, learned counsel appearing for the respondent-department though has opposed the matter on merits of the proceedings initiated against the petitioner, but, he has failed to refute the contentions of learned counsel for the petitioner regarding the legal issue that only one punishment can be awarded as is prescribed under Regulation 84 of the "Regulations, 1975".

Upon considering the submissions of learned counsels for the parties and after perusal of the records, it transpires that the petitioner was placed under suspension and an enquiry was contemplated against him and after concluding the enquiry, the punishment order has been passed, which is impugned herein.

The law with respect to award of punishment is prescribed under Regulation 84 of the "Regulations, 1975" which reads as under:-

"84. Penalties. (i) Without prejudice to the provisions contained in any other regulation, an employee who commits a breach of duty enjoined upon him or has been convicted for criminal offence or an offence under section 103 of the Act or does anything prohibited by these regulations shall be liable to be punished by any one of the following penalties: -

(a) censure,

(b) with holding of increment.

(c) fine on an employee of Category IV (peon, chaukidar, etc.).

(d) recovery from pay or security deposit to compensate in whole or in part for any pecuniary loss caused to the co-operative society by the employee's conduct,

(e) reduction in rank or grades held substantively by the employee.

(f) removal from service, or

(g) dismissal from service.

(ii) Copy of order of the punishment shall invariably be given to the employee concerned and entry to this effect shall be made in the service record of the employee.

(iii) No penalty except censure shall be imposed unless a show cause notice has been given to the employee and he has either failed to reply within the specified time or his reply has been found to be unsatisfactory by the punishing authority.

(iv)(a) The charge-sheeted employee shall be awarded punishment by the appropriate authority according to the seriousness of the offence:

Provided that no penalty under sub-clause (e), (f) or (g) of clause (i) shall be imposed without recourse to disciplinary proceedings.

(b) No employee shall be removed or dismissed by an authority other than by which he was appointed unless the appointing authority has made prior delegation of such authority to such other person or authority in writing.

(v) The appointing authority or person authorised by him while passing orders for stoppage of increments shall state the period for which it is stopped and whether it shall have effect of postponing future increments or promotion."

The bare perusal of the provision is apparent that same provides that without prejudice to the provisions contained in any other regulations, an employee who commits a breach of duty enjoined upon him or has been convicted 'for criminal offence or an offence under section 103 of the Act or does anything prohibited by these regulations shall be liable to be punished by any of the penalties as are prescribed under the clause (a)(ii)(g) of Regulation 84 of the "Regulations, 1975".

When this court analyze the aforesaid order, under the law, it is apparent that as many as three punishments have been awarded to the petitioner; the recovery of loss incurred to the department; withholding the three increments with cumulative effect and the special adverse entry, which apparently could not have been passed as per the provisions of Regulation 84.

Since the impugned order dated 28-08-2020 has been passed de horsing the Regulation 84 of the "Regulations, 1975" thus, the same is unsustainable.

Consequently, the order impugned herein dated 28-08-2020 is

hereby quashed.

Liberty is given to the respondent-department to proceed in the matter afresh, as per the prevalent laws, as well as settled proposition of law, from the stage of the chargesheet, after affording the opportunity of hearing to the petitioner.

Needless to say that the amount, which has already been recovered from the petitioner, shall be subject matter of final outcome of the enquiry proceedings.

The writ petition is **allowed accordingly.**

(Shree Prakash Singh,J.)

March 18, 2026

AKS