



2026:AHC:45314

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3079 of 2026

Indra Kumari

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Prayogendra Pal Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Prayogendra Pal Singh, learned counsel for the petitioner and Sri R.S. Umrao, learned Additional Chief Standing Counsel, who appears for State-respondents.

2. The counsel for the rival parties have made a joint statement that they do not propose to file any further affidavits thus with the consent of the parties, writ petition is being decided at the fresh stage.

3. The case of the writ petitioner is that the writ petitioner happens to be the wife of Surendra Pal Singh who was appointed as a clerk in the year 1980, a punishment order came to be passed by the District Magistrate on 13.08.2004 reverting the husband of the writ petitioner against which an appeal came to be preferred which was rejected on 23.03.2005. The husband of the writ petitioner expired on 10.12.2018. However, now the writ petitioner being the wife has preferred the present writ petition questioning both the orders.

4. Learned counsel for the writ petitioner submits that now in the criminal case, a final report has been submitted thus a new cause of action has come into existence giving the right to the writ petitioner to question both the orders.

5. Learned Standing Counsel on the other hand submits that whatever might be the orders in question had been passed on 13.08.2004 and 23.03.2005 and the same was not challenged then the reasonable time by the husband of the writ petitioner, however, he expired on 10.12.2018. Thus the writ petitioner has no *locus standi* to question the said order, particularly, when

the order in question which was adverse to the husband of the writ petitioner had not been challenged by the husband during his lifetime and further now with an enormous and unexplained delay, the present writ petition has been preferred.

6. I have heard learned counsel for the parties and gone through the records carefully.

7. Apparently, the husband of the writ petitioner was confronted with the order dated 13.08.2004 and the punishment order dated 23.03.2005, the said orders have not been challenged by the husband of the writ petitioner and he expired on 10.12.2018. In paragraph-22, delay has been sought to be explained which reads as under:

"22 That this writ petition has been filed delay because the First Information Report has been lodged against the husband of the petitioner on 25.11.2003 and the District Magistrate Bulandshahr degraded the husband of the petitioner on 13.08.2004 on the base of First Information Report dated 25.11.2003 against the order dated 23.08.2004 passed by D.M. Bulandshahr, petitioner filed the appeal before the Commissioner Meerut Mandal Meerut which was dismissed on 23.03.2005 the final report has been filed in case crime no. 552 of 2003 under section 409 IPC Police Station- Kotwali City Bulandshahr on 12.07.2005 and the final report of the above noted case remained pending before the court of CJM Bulandshahr till to 08.04.2019, 13 year 8 month 26 days and the final report of the crime no. 552 of 2003. under section 409 IPC Police Station- Kotwali City Bulandshahr Misc. Final report No. 1799 of 2008 was accepted by the CJM Bulandshahr, and in this time the country was suffering illness Covi-19 which was run 2019, 2020, 2021 and 2022 August 2022 and when the Covid-19 has finished then the petitioner come at Allahabad and contracted to the Sri Mukesh Kumar Mauray Advocate Allahabad on 22.08.2022 Chamber No. 46 Allahabad High Court and handover the all documents to the Advocate Mukesh Kumar Maurya the petitioner when contacted the Advocate Mukesh Kumar Maurya then she knew that the Advocate Mukesh Kumar Maurya has died then he again collected document of the above case and come again at Allahabad High Court on 10.10.2025 and engaged the earlier counsel Shri Prayogendra Pal Singh then he filed the writ petition on 21.01.2025 which was not pressed and to collect the order of Commissioner Meerut Mandal Meerut order dated 23.03.2005 and then again filed the writ petition no. 1613 of 2025 on 30.01.2026 and this writ petition has been not pressed not explained the delay now the petitioner filed this writ petition now the

petitioner is 61 year old lady and lived ill in the old age and filing this writ petition the delayed the delay of the writ petition may be condone in the interest of justice."

8. The ground taken for condonation of delay is not worth acceptance and furthermore the delay is unexplained.

9. Accordingly, no good ground is made out to interfere, the writ petition is **dismissed**.

February 27, 2026
Ashu

(Vikas Budhwar,J.)