



2026:AHC:46727

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3161 of 2026

Mukesh Kumar

.....Petitioner(s)

Versus

State Of Up And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Dhananjai Rai, Vibhu Rai
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Vibhu Rai, learned counsel for the writ petitioner and Sri Gaurav Singh, learned Standing Counsel for the State.

2. Sri Gaurav Singh, learned Standing Counsel has made a statement that he is well equipped with the instructions and is in a position to argue the case. He does not propose to file any counter affidavit and he further submits that the writ petition be decided on the basis of the documents available on record.

3. With the consent of the parties, the writ petition is being decided at the fresh stage.

4. The case of the writ petitioner is that he was appointed on the post of Platoon Commander in the year 1999. Thereafter, he was promoted on the post of Inspector (Home Guard) in the year 2003 and further promoted on the post of District Commandant on 14.12.2005. It is also the case of the writ petitioner that he was placed under suspension on 19.11.2019 owing to certain misconduct, thereafter departmental proceeding stood initiated while issuing of a charge sheet dated 20.11.2019, and thereafter post submission of reply, the inquiry officer conducted the inquiry and thereafter, the inquiry report came to be submitted and a show cause notice was also issued to the writ petitioner, to which the writ petitioner tendered his reply and thereafter an order came to be passed on 05.11.2020 dismissing the writ petitioner, which was subject matter of challenge in Writ-A No.14429 of 2020. The said writ petition was dismissed as withdrawn. According to the writ petitioner, there happens to be a communication dated 27.11.2024 of the Commandant General (Home Guard), U.P. Lucknow addressed to the Addl.

Chief Secretary, Department of Home Guard, Government of U.P. Lucknow to take decision in light of the recommendation dated 27.11.2024 for reinstatement of the services of the writ petitioner.

5. Learned Standing Counsel on the other hand submits that whatever might be, the dismissal order has not been challenged though in the writ petition, the relief sought is for taking decision in light of the recommendation dated 27.11.2024 of the first respondent, thus according to him, a direction be issued to the first respondent to take a decision.

6. Accordingly, without delving into matter any further and without entering into merits, the writ petition stands **disposed of** requiring the first respondent to take a decision strictly in accordance with law, and pass an order within two months, with independent application of mind, bearing in mind the relevant factor including the factor whether the first respondent happens to be vested with authority to revisit the order.

March 9, 2026

N.S.Rathour

(Vikas Budhwar,J.)