



2026:AHC-LKO:19610

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**WRIT - A No. - 2735 of 2026**

Anil Kumar Mishra

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Medical Health  
And Family Welfare Lko. And 4 Others

.....Respondent(s)

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|---------------------------|---|------------------------|
| Counsel for Petitioner(s) | : | Pradeep Tiwari         |
| Counsel for Respondent(s) | : | C.S.C., Puneet Chandra |

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**Court No. - 7**

**HON'BLE MANISH MATHUR, J.**

1. Heard Mr. Pradeep Tiwari, learned counsel for petitioner, learned State counsel for opposite parties no.1, 3, 4 & 5 and Mr. Puneet Chandra, learned counsel for opposite party no.2.

2. Petition has been filed challenging order dated 10.02.2026 whereby petitioner has been attached to District Badaun from District Ambedkar Nagar. Other concomitant prayers have also been made.

3. Learned counsel for petitioner submits that impugned order indicates that petitioner's attachment is as a result of disciplinary proceeding pending against him but has submitted that petitioner in fact is a contractual employee as indicated in the impugned order itself and as per terms and conditions of contract, there is no provision either for transfer or attachment of petitioner. It is further submitted that even otherwise, the aforesaid inquiry proceedings were instituted against petitioner by issuance of a show cause notice dated 25.07.2023 to which a reply has also been submitted on 11.08.2023 and

therefore there was no occasion for the opposite party to have passed the impugned order after almost two and half years.

4. Learned counsel for opposite party no.2 has been provided written instructions dated 14.03.2026 and 17.03.2026, both of them being taken on record and on that basis submits that disciplinary proceedings have been initiated against petitioner in view of letter dated 08.09.2023 issued by the District Magistrate pertaining to irregularities in procurement process of Security Guards in which serious allegations of illegal gratification and embezzlement have been indicated against petitioner. It is submitted that petitioner's attachment has been resorted to so as not to impede the inquiry proceedings.

5. Mr. Puneet Chandra, learned counsel for opposite party no.2 has vehemently opposed the writ petition with the submission that petitioner has been found prima facie involved irregularities in procurement process and therefore it was necessary for the authorities to have attached him elsewhere for the smooth functioning of inquiry proceedings.

6. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, it is evident and admitted that petitioner is a contractual employee of opposite party no.2 and there is no condition either in any policy pertaining to service or contract of service between the parties whereby petitioner can be transferred or attached to any place elsewhere from his place of posting.

7. The written instructions dated 14.03.2026, particularly paragraph 3 (5) thereof, indicates that petitioner's attachment has been resorted to so as not to influence the inquiry proceedings.

8. In the considered opinion of this Court, once there is no provision pertaining to service aspects of petitioner either for transfer or attachment, opposite parties being bound by such conditions, can not supersede the same without any such provision either for transfer or attachment.

9. Nonetheless, it has been indicated that petitioner's attachment has been resorted to so as to prevent him from influencing the inquiry proceedings.

10. With regard to aforesaid aspects, it is evident that proceedings have been initiated by means of the show cause notice dated 25.07.2023 to which a reply has also been submitted on 11.08.2023. Two and half years having passed, there is no cogent explanation indicated either in the impugned order or even in the written instructions as to whether petitioner in fact is seeking to influence or impede the inquiry proceedings. The order apparently has been passed in a routine manner without any application of mind to the aspects required to be considered by the authority.

11. In view thereof, impugned order dated 10.02.2026 is hereby quashed by issuance of a writ in the nature of Certiorari granting liberty to concerned authority to conclude the proceeding expeditiously against petitioner. Liberty is granted to opposite parties either to transfer or

attach petitioner only in case service provisions or contract of service permit the same.

12. Resultantly, petition succeeds and is **allowed at the admission stage itself**. Parties to bear their own costs.

**(Manish Mathur,J.)**

**March 18, 2026**

Subodh/-