

ITEM NO.16

COURT NO.13

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 30840/2017

(Arising out of impugned final judgment and order dated 06-09-2017 in SB No. 1623/2015 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

SHAILENDRA KUMAR SRIVASTAVA

Petitioner(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.118952/2017-EXEMPTION FROM FILING O.T. and IA No.119366/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 26-09-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Mr. Sanjeet Paliwal, Adv.
Ms. Shristi Gupta, Adv.
Ms. Vijay Rani, Adv.
Ms. Anushka Sharma, Adv.
Mr. Kalash Pandey, Adv.
Mr. Abhishek Sharma, AOR

For Respondent(s)

Mr. R.K. Raizada, AAG, Sr. Adv.
Mr. Sarvesh Singh Baghel, AOR
Ms. Pooja Singh, Adv.
Mr. Arun Pratap Singh Rajawat, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Vide order dated 06.09.2017, the High Court of Judicature at Allahabad in Writ Petition SB No. 1623 of 2015 has set aside the order passed by the U.P. State Public Service Tribunal dated 09.07.2015 and also the order of

punishment dated 11.09.2013. A direction to the authorities to issue regular chargesheet against the petitioner and to hold departmental inquiry and to pass final orders within three months has also been passed. The later part of the impugned order of initiation of departmental inquiry has been questioned in the special leave petition before this Court raising various grounds.

We have heard learned counsel for the parties and considered the averments made in additional affidavit dated 15.05.2023. From paragraph 3 of the additional affidavit, it is revealed that the petitioner was compulsorily retired subsequently *vide* order dated 26.04.2018 passed by Director General (Prison). The said order of compulsory retirement was challenged by filing Writ-A No. 12429 of 2018. The said writ has been dismissed *vide* order dated 28.04.2020 against which Special Appeal has been filed which is pending before the Division Bench of the High Court.

The order of minor penalty has already been set aside in the impugned order. Now, because of the order of compulsorily retirement of the petitioner, the subsequent part of the order directing issuance of chargesheet and holding departmental inquiry cannot be implemented. Therefore, we dispose of this special leave petition with the request to the High Court to decide Special Appeal No. 227 of 2020 as expeditiously as possible on its own merits uninfluenced by any of the directions and observations made

in the order impugned.

Pending applications shall also stand disposed of.

(NIDHI AHUJA)
AR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER