

Nitin Narayan Srivastava vs State Of U P And 3 Others on 28 March, 2025

Author: Saurabh Shyam Shamshery

Bench: Saurabh Shyam Shamshery

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44079

Court No. - 6

Case :- WRIT - A No. - 5720 of 2022

Petitioner :- Nitin Narayan Srivastava

Respondent :- State Of U P And 3 Others

Counsel for Petitioner :- Amit Kumar Srivastava, Mohd. Naushad Siddiqui

Counsel for Respondent :- Abhishek Srivastava

Hon'ble Saurabh Shyam Shamshery, J.

1. There is a call for abstaining from judicial work by the High Court Bar Association, Allahabad, therefore, advocates are not appearing.
2. It is the case of petitioner that he along with three others namely, Dharendra Chaudhary, Raj Kumar and Ramdhani Chaudhary has suffered a charge-sheet dated 22.04.2019 and thereafter separate punishment orders were passed.
3. The other two delinquents namely Dharendra Kumar Chaudhary and Ram Dhani Chaudhary have approached this Court by way of filing writ petitions (Writ- A No.4559 of 2022 and Writ- A No.

18084 of 2022) respectively assailing their punishment orders as well as orders passed by Appellate Authority.

4. The above both writ petitions were decided by orders dated 31.05.2024 and 08.01.2025 respectively, whereby impugned punishment orders and orders passed by Appellate Authority were set aside and matter was remitted to disciplinary authority to proceed against petitioners therein afresh or from the stage of charge-sheet.

5. Today, due to a call Allahabad High Court Bar Association to abstain from judicial work, counsel for parties are not present.

6. Sri Nitin Narayan Srivastava, petitioner appears in person and submits that similar benefit be granted to him since the shortcomings as pointed out in aforesaid judgments are also present in present proceedings.

7. In the aforesaid circumstances, since petitioner has also suffered with common charge-sheet, though separate punishment orders were passed, therefore, the petitioner is also entitled for similar relief as granted to other two delinquents by above referred orders.

8. Accordingly, impugned order dated 23.07.2021 and order dated 18.02.2022 passed by Appellate Authority are set aside and its legal consequence shall follow. However, respondents are at liberty to initiate fresh departmental proceeding after the stage of charge-sheet.

9. In case there is a factual error in the submission of petitioner in person, the State-Respondents will be at liberty to file recall or review application, as the case may be, within six weeks from today.

10. Accordingly, writ petition is disposed of with aforesaid directions/observations.

Order Date :- 28.3.2025 P. Pandey