

Court No. - 6

Case :- WRIT - A No. - 275 of 2025

Petitioner :- Rakesh Kumar Singh

Respondent :- State Of U.P. Thru. Its Addl. Chief Secy. / Special Secy.
Deptt. Of Agriculture And 3 Others

Counsel for Petitioner :- Rajat Rajan Singh, Abhinav Mishra

Counsel for Respondent :- C.S.C., Abhinav Trivedi

Hon'ble Alok Mathur, J.

1. Heard learned counsel for the petitioner, learned Standing counsel for State- respondent No.s 1,3 and 4 and Sri Parimal Bhatt holding brief of Sri Abhinav Narayan Trivedi for respondent No.2.

2. It has been submitted on behalf of the petitioner that the petitioner has retired from the post of Head Assistant (Agricultural Directorate, U.P.) on 31.5.2021 and it is after nearly three years from the date of superannuation that charge sheet dated 14.8.2024 was served upon the petitioner with regard to certain allegations pertaining to making appointment on compassionate grounds while he was holding the post of Junior Assistant in the office of Deputy Director of Agriculture(Headquarters), U.P. It is further noticed that consequently the respondents could obtain sanction for prosecution from respondent No.2 on 27.3.2024 and accordingly it is in pursuance of the sanction so obtained that the respondents want to proceed with the departmental proceedings against the petitioner and issued the said charge sheet on 14.8.2024.

3. It has been submitted that a perusal of the charge sheet would indicate that there are three charges and all of them relate to one single incident pertaining to appointment on compassionate grounds in the year 2011. It has been submitted that Regulation 351-A (a) (ii) of Civil Service Regulations (CSR) provides that sanction shall be granted in respect of an event which took place not more than four years before the institution of such proceedings.

4. Undoubtedly, the proceedings in the instant case took place in 2011 i.e. nearly 13 years prior to issuance of the charge sheet which is more than the prescription provided under CSR 351 A and consequently the sanction as granted could not have been given. He further relies upon the judgment and order of this Court in the case of *Dr. Rudra Pratap Vs. State of U.P. and another* passed in Writ A No.2854 of 2022 where above proposition was held by this Court by setting aside the

disciplinary proceedings which were sought to be initiated more than four years from the date of the incident, a case where the petitioner therein had already superannuated from the service. It has been further submitted that aforesaid order has been upheld by the Apex Court as the SLP filed against the said judgment and order has been dismissed. It is noticed that the disciplinary proceedings with regard to the period beyond four years which is provided under Regulation 351 A of CSR have been initiated.

5. In light of the above, a *prima facie* case for interference is made out. Let counter affidavit be filed within three weeks, to which rejoinder affidavit may be filed within two weeks thereafter.

6. List on 3.3.2025.

7. Meanwhile, operation of the orders dated 27.3.2024, 8.5.2024 as well as charge sheet dated 14.8.2024, with regard to the petitioner, shall remain stayed.

(Alok Mathur, J.)

Order Date :- 15.1.2025
RKM.