

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No.32311/2024

(Arising out of impugned final judgment and order dated 04-03-2024 in WRIT-A No.24172/2016 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

STATE OF UTTAR PRADESH

Petitioner

VERSUS

BALIRAM SONKAR

Respondent

(with I.A. No.183003/2024-CONDONATION OF DELAY IN FILING and I.A. No.183006/2024-EXEMPTION FROM FILING O.T.)

Date : 27-09-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Adarsh Upadhyay, AOR
Mr. Aarohi Bhalla, Adv.
Ms. Pallavi Kumari, Adv.
Mr. Shashank Pachauri, Adv.

For Respondent(s)

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

1. Delay condoned.
2. The High Court by the impugned judgment and order has dismissed the writ petition filed by the petitioner-State of Uttar Pradesh. Interference under Article 226 was declined because the State failed to adhere to the timelines for completing departmental inquiry (the timelines are at page 75 and page 97).
3. The High Court relied on a Full Bench judgment, which refers to the course of action that has to be followed if time limit has expired. According to

the High Court, such course was not followed.

4. *Prima facie*, we are of the view that the High Court was in error in the absence of any default clause in either of the two orders; at best, the time limit that were imposed were directory and not mandatory.

5. Issue notice.

(RASHMI DHYANI PANT)
COURT MASTER (SH)

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)