

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NOS. /2026
@ SPECIAL LEAVE PETITION (CIVIL) NOS.33517-33518/2026**

STATE OF UTTAR PRADESH & ANR.

APPELLANTS

VERSUS

YADVENDRA SINGH

RESPONDENT

O R D E R

- 1.** Heard.
- 2.** Leave granted.
- 3.** Based on an anonymous complaint dated 08.11.2024 against the respondent whereunder it was alleged that he was posting objectionable posts against the Government, Constitutional Institutions and authorities, the appropriate Government directed the Director to conduct a preliminary inquiry into the allegations. Accordingly, a preliminary inquiry was conducted and a report was forwarded after elucidating the reply from the respondent herein, the

respondent herein was placed under suspension under Rule 4(1) of the Uttar Pradesh Government Servants (Discipline and Appeal) Rules, 1999¹ and disciplinary proceedings under Rule 7 of the Rules was instituted. He was also attached to the Directorate and sanctioned subsistence allowance. Challenging the said action, Writ Application No.7687 of 2025 came to be filed, which came to be dismissed as withdrawn as he did not choose to pursue his remedy. On 03.06.2025, chargesheet was issued against the respondent containing four charges enclosing the annexures thereto. The Commissioner, Varanasi Division, appointed the Inquiry Officer, and thereafter, the respondent tendered an unconditional apology for his objectionable posts on 06.06.2025. Respondent also appeared before the Inquiry Officer for oral hearing on 14.08.2025, and after considering the reply given to the chargesheet and the material placed before him, the Inquiry Officer submitted his report on 24.09.2025 holding that all charges were proved. In the meanwhile, the respondent had filed another Writ Application No.15072 of 2025 for expeditious conclusion of the departmental proceedings, and as such, by order dated 07.10.2025, the High Court disposed of the said Writ Application directing that the proceedings be concluded within a period of three months.

1 the Rules

4. The aforesaid inquiry report was forwarded to the competent authority, and a show-cause notice was issued to the respondent as contemplated under Rule 9(4) of the Rules by granting 15 days' time to submit his representation. After considering the representation of the respondent, by order dated 17.01.2026, the order of penalty was passed whereunder the respondent was reverted to the post of 'District Backward Class Welfare Officer' under Rule 3 of the Rules.

5. Challenging the order of reversion, Writ Application No.4037 of 2026 was filed, whereunder the order dated 17.01.2026 was questioned. On 01.07.2026, the High Court stayed the operation of the punishment order dated 17.01.2026 on the ground that matter requires consideration. Subsequently, on 13.08.2026, the order dated 01.07.2026 was modified and the respondent was allowed to continue in the post of 'Deputy Director, Backward Class Welfare' on which post he was working when the order dated 17.01.2026 came to be passed. Due to non-implementation of the said order, contempt proceedings have been initiated, and it is said to be pending. Assailing the aforesaid two orders dated 01.07.2026 and 13.08.2026, the present appeals have been filed.

6. It is the contention of Mr. Rana Mukhopadhyay, learned Senior Counsel appearing for the appellant(s), that High Court had exceeded

its scope while granting interim relief and directing the restoration of the respondent to the post held prior to the punishment order and payment of salary, thereby substantially granting the relief sought for in the Writ Application itself at the interlocutory stage. He would also elaborate his submissions by contending that by order dated 01.07.2026, the order of reversion dated 17.01.2026 had only been stayed and it had neither been set aside or quashed and the departmental inquiry conducted against the respondent being in accordance with the prescribed rules, and all the four charges having been proved in the inquiry, the High Court committed an error in staying the order dated 17.01.2026, and modifying the said order and directing the appellant(s) - appropriate Government to revert the respondent back to the post which he held on the day, the order reverting the respondent, came to be passed.

7. Per contra, Mr. Sanjeev Sagar, learned Senior Counsel appearing on behalf of the respondent employee, would support the impugned order and would submit that inquiry conducted was in utter disregard to the extant rules, and it is only after examining that there was no compliance to Rule 7 of the Rules and being satisfied with the same, the jurisdictional High Court had granted the stay of the order dated 17.01.2026, and on account of the respondent not having been

put back to the position he held as on that date, the order dated 01.07.2026 came to be modified on 13.08.2026, which orders does not suffer from any infirmity whatsoever, and as such he has prayed for rejection of the present appeals. He would also rely upon the Office Memorandum dated 31.07.2026 passed by the appropriate Government, which has effectively implemented the order dated 01.07.2026, and as such, he submits that there is no necessity for the impugned orders being set aside.

8. Having heard the learned Senior Counsels appearing for the parties and on perusal of the records, *prima facie*, we notice that the respondent, by his representation dated 06.06.2025, had tendered an unconditional apology for the objectionable posts or in other words admitted his guilt. As to whether this would suffice for the Inquiry Officer to submit his report holding the charges as proved is an issue which will have to be thrashed out in the pending Writ Petition by considering the rival contentions. If this Court were to embark upon conducting a roving inquiry on the basis of the rival contentions now raised, it is likely to prejudice the rights of either of the parties in the pending Writ Application. Hence, we refrain from expressing any opinion in that regard. The fact remains that respondent, at the time the impugned order (17.01.2026) came to be passed, was working as

‘Deputy Director, Backward Class Welfare’ and he has been demoted as ‘District Backward Class Welfare Officer’. In the Writ Application, the said order was impugned, and the learned judge, by order dated 01.07.2026, stayed the said order vide paragraph No.10. For vacating the said order, an application has been filed by the appropriate Government, and undisputedly, the same is still pending. In this scenario, the High Court ought to have examined either the continuation of the interim order dated 01.07.2026 or vacating or modifying or varying the said order.

9. In the background of contempt proceedings having been initiated for non-implementation of the order dated 01.07.2026, the appropriate Government seems to have complied with the same by the Office Memorandum dated 31.07.2026 (Annexure P-5) and restored his position as that of a “Suspended Deputy Director”, which was the situation prevailing prior to 17.01.2026 or in other words respondent came to be placed in the position he held prior to 17.01.2026 namely that of “Suspended Deputy Director”. On this also, we refrain from expressing any opinion. It is thereafter the High Court, by the second impugned order dated 13.08.2026, seems to have virtually granted the main relief, though it is disguised as an interim relief. It is this process which was undertaken by the High

Court is erroneous and liable to be set aside. Accordingly, we set aside the order dated 13.08.2026 and grant liberty to both the parties to urge their contentions before the High Court and the jurisdictional High Court shall consider the application filed by the appropriate Government for vacating the order of stay dated 01.07.2026, which is still pending, and dispose of the said application and/or pass appropriate orders either vacating or setting aside, or modifying, or affirming the order dated 01.07.2026 as it deems fit and appropriate by examining rival claims on merits. On the said issue, we have made it clear that we have not expressed any opinion, and it is open for both the parties to urge all grounds in that regard. We hasten to add that in the light of this order being passed, the contempt proceedings said to have been initiated by the respondent shall not be proceeded with till appropriate orders on the stay application has been passed. Accordingly, the appeals stand disposed of. It is needless to state that in the event of the High Court is of the view that consideration of the application for vacating the stay would be as good as disposing of the Writ Application itself, it would be open in the realm of the High Court to take up the Writ Application itself and dispose of the same expeditiously alongwith the application for vacating the stay on merits and in accordance with law. Both parties are at liberty to seek

for pre-ponement of the Writ Application before the jurisdictional High Court.

10. Pending application(s), if any, shall stand disposed of.

.....J.
(ARAVIND KUMAR)

.....J.
(VIPUL M. PANCHOLI)

**NEW DELHI;
SEPTEMBER 29, 2026.**

ITEM NO.23

COURT NO.10

SECTION XI

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

Petition(s) for Special Leave to Appeal (C) No(s).33517-33518/2026

[Arising out of impugned final judgment and order dated 01-07-2026 in WRIT-A No.4037/2026 13-08-2026 in WRIT-A No.4037/2026 passed by the High Court of Judicature at Allahabad]

STATE OF UTTAR PRADESH & ANR.

Petitioner(s)

VERSUS

YADVENDRA SINGH

Respondent(s)

IA No. 287940/2026 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT

IA No. 287943/2026 - EXEMPTION FROM FILING O.T.

Date : 29-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) : Mr. Rana Mukhopadhyay, Sr. Adv.
Mr. Arup Banerjee- 1581, AOR
Mr. Shiv Pratap Singh, Adv.
Mr. Sanjiv Sharma., Adv.
Mr. Kumar Rupak, Adv.
Mr. Aviral Saxena., Adv.
Mr. She Bham Kumar., Adv.
Mr. Shubham Kumar, Adv.

For Respondent(s) : Mr. Sanjeev Sagar, Sr. Adv.
Mr. Raj Kishor Choudhary- 2212, AOR
Mr. Vinod Pandey, Adv.
Mr. Himanshu Pandey, Adv.
Mr. Sandeep Yadav, Adv.
Mr. Amrish Chandra Tiwari, Adv.
Mr. Vikram Patralekh, Adv.

Mr. Bhanu, Adv.
Ms. Ritu Pandey, Adv.
Ms. Pratibha Singh, Adv.
Ms. Shalini Tripathi, Adv.
Ms. Gulfeshan Javed, Adv.
Mr. Himanshu Gupta, Adv.
Mr. Shivam Yadav, Adv.
Mr. Rohit Pandey, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

Civil Appeals stand disposed of in terms of the signed order placed on the file.

Pending application(s), if any, shall stand disposed of.

(NEHA GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)