



HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 832 of 2025

Yogesh Kumar Sharma

.....Appellant(s)

Versus

State Of Up And 4 Others

.....Respondent(s)

Counsel for Appellant(s)	: Pradeep Kumar Upadhyay, Sharad Rastogi, Sr. Advocate
Counsel for Respondent(s)	: Aditya Bhushan Singhal, C.S.C.

Court No. - 21

**HON'BLE MANOJ KUMAR GUPTA, J.
HON'BLE SIDDHARTH NANDAN, J.**

1. The contention is that the initiation of disciplinary proceedings vide charge sheet dated 19.08.2024/23.08.2024 after retirement of the appellant on 30.04.2023 without there being any approval of the Board of Directors, was without jurisdiction. It is submitted that previous Office Memo dated 28.08.2014 by U.P. Jal Nigam delegating power in favour of the Chairman, U.P. Jal Nigam to initiate disciplinary proceedings against retired employees subject to post facto approval of the Board, stood superseded by the Board of Directors in its meeting dated 07th March, 2024 whereby it was provided that it would be the Board of Directors of U.P. Jal Nigam (Urban), which would be competent to grant approval under Regulation 351-A of Civil Service Regulations. The Board of Directors of U.P. Jal Nigam (Urban) has not taken any decision to delegate its power under Civil Service Regulations to the Chairman of Board of Directors nor has made any provision for obtaining ex-post facto sanction after initiation of disciplinary proceedings. Accordingly, it is urged that the entire proceedings initiated on basis of charge sheet are without jurisdiction.

2. Sri M.C. Chaturvedi, learned Senior Counsel assisted by Sri A.B. Singhal appearing for U.P. Jal Nigam (Urban) (respondent - Corporation) states that the meeting of Board of Directors of U.P. Jal Nigam (Urban) is scheduled to be held shortly and in which the Board of Directors would take decision in the matter.

3. As there is no dispute that as on date, there is no approval by the Board of Directors of U.P. Jal Nigam (Urban), for initiation of disciplinary proceedings against the appellant, who is a retired employee, therefore, we hereby provide that until the next date of listing or till approval is granted by the Board of Directors for initiation of disciplinary proceedings against the appellant, the same shall remain stayed.

4. List on 27th November, 2025, as fresh.

5. In the meantime, as prayed, the respondents shall file counter affidavit and bring on record the developments as may take place including any decision taken by the Board of Directors.

(Siddharth Nandan,J.) (Manoj Kumar Gupta,J.)

October 14, 2025

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