



2026:AHC:72748

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - A No. - 46382 of 2011**

Mahaveer Sagar

.....Petitioner(s)

Versus

State of U.P. and Others

.....Respondent(s)

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Counsel for Petitioner(s) : S.K.Upadhyay, S.R.Pandey, Varad Nath  
Counsel for Respondent(s) : Amit Sthalekar, C.S.C., Chandan Sharma

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**Court No. - 34**  
(Sl.No.28)

**HON'BLE ANISH KUMAR GUPTA, J.**

1. As per the office report dated 02.04.2026, the original rejoinder affidavit, which was filed by the petitioner on 15.12.2022 could not be traced out. However, the office copy of the said rejoinder affidavit has been filed by the counsel for the petitioner in the Registry, which has been taken on record.
2. Heard Sri Hariom Kamal Singh, holding brief of Sri Varad Nath, learned counsel for the petitioner and Sri Chandan Sharma, learned counsel for the respondents no.2 and 3 and Sri Vijay Lal, learned Standing Counsel for the State.
3. The instant petition has been filed by the petitioner seeking quashing of the order dated 23.10.2007 whereby after the disciplinary proceedings were carried out against the petitioner and the petitioner was found guilty for the charges leveled against him and the petitioner herein held guilty and the disciplinary authority passed an order withholding four increments of the petitioner with cumulative effect. The petitioner also seeks quashing of the order dated 11.03.2011 passed by the Appellate Authority, whereby the appeal preferred by the petitioner was dismissed.
4. The briefly stated facts of the case are that the petitioner herein was working as Clerk in the District Judiciary, Rampur. The Chief Judicial Magistrate, Rampur has lodged a complaint that file of Complaint Case

No. 240 of 2005 is not available in the office of Chief Judicial Magistrate. The explanation was called and a direction was issued to trace out the said file. On 04.10.2005, the petitioner and one other person submitted an application that the said file is being traced out and various opportunities were granted by the Presiding Officer of the Court to trace out the said file. In the preliminary enquiry, it was observed that the petitioner herein was the relevant Clerk at the relevant time when the file was misplaced. Therefore, the disciplinary proceedings were initiated against the petitioner herein and after granting the full opportunity to the petitioner, the disciplinary proceeding was concluded and the petitioner was held responsible for missing of the file of the said complaint case. The petitioner was found guilty of serious misconduct in terms of Rule-3 of U.P. Government Servant Conduct Rules, 1956 (in short '1956 Rules'). Thereafter, a show cause notice was issued to the petitioner on 03.10.2007 and the petitioner submitted the reply to the said show cause notice on 10.10.2007. Thereafter, vide impugned order dated 23.10.2007, the disciplinary authority passed an order of withholding four increments of the petitioner with cumulative effect. Being aggrieved by the said order dated 23.10.2007, the petitioner preferred an appeal before the respondent no.2, the Administrative Judge, the Appellate Authority, who has dismissed the appeal on 11.03.2011. The same was communicated through the Registrar General to the petitioner. Being aggrieved by the orders passed by the disciplinary authority as well as by the Appellate Authority, the instant petition has been filed by the petitioner herein.

5. Learned counsel for the petitioner submits that the Enquiry Officer has wrongly held guilty to the petitioner herein, though there was an order of division of work but it has never been followed strictly. Thus, there is a serious doubt with regard to the liability of the petitioner in missing of the file from the office. Therefore, the Enquiry Officer without ascertaining who was the actual person responsible of missing of the file has illegally held him guilty. Therefore, learned counsel for the petitioner seeks quashing of the impugned orders. However, learned counsel for the petitioner has failed to point out any procedural defects in the disciplinary proceedings carried out against the petitioners.

6. Learned counsel for the respondents no.2 and 3, Sri Chandan Sharma

submits that while exercising the power of judicial review, this Court cannot go into the merits of the case. There is very limited scope of judicial interference. There is no allegation that the proper procedure while conducting the disciplinary proceeding has not been followed. Thus, since the proper procedure has been followed and the punishment awarded is proportionate to the guilt of the petitioner, therefore, this Court cannot interfere with the punishment order passed against the petitioner herein. Thus, learned counsel for the respondents seeks dismissal of the of the instant petition.

7. Having heard the rival submissions so made by learned counsel for the parties, this Court has carefully gone through the record of the case. Misplacement or loss of a judicial file from the record of the judiciary is very serious allegation, which impacts the administration of justice and the same is required to be handled with iron rod.

8. It is admitted in the case that the file of the complaint case was missing from the office of the court concerned, for which a complaint was made by the Judicial Magistrate in writing. Therefore, the enquiry was carried out after giving sufficient opportunity to the petitioner and other staff members to trace out the said file but the same could not be traced out. The responsibility was fixed and the disciplinary proceedings were initiated against the petitioner. Thereafter the Enquiry Officer has carried out the enquiry after giving full opportunity to the petitioner to defend himself and thereafter, the Enquiry Officer has concluded that it was the petitioner who was responsible for missing of the said file. Thus, he was found guilty of misconduct in terms of Rule-3 of 1956 Rules. Thereafter, the enquiry report was sent to the petitioner along with the show cause notice, which was replied by the petitioner and after considering the reply of the petitioner in detail, vide impugned order dated 23.10.2007, the disciplinary authority passed an order withholding four increments with cumulative effect of the petitioner. There is no allegation that the petitioner was not given opportunity of hearing at any stage. There is no argument that the punishment awarded to the petitioner is disproportionate to the guilt of the petitioner.

9. In such view of the matter, since the scope of judicial review is very

limited, this Court does not find any illegality in the impugned orders passed by the disciplinary authority as well as the Appellate Authority.

10. Accordingly, the instant petition is **dismissed**.

**(Anish Kumar Gupta,J.)**

**April 3, 2026**  
Ashish Pd.