



2026:AHC-LKO:55270-DB

A.F.R.

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 7923 of 2026

Meisheng Chiang @ Chiang Mei Sheng

.....Petitioner(s)

Versus

U.O.I. Thru. Secy. Ministry Of Home Affairs
Deptt. Of Personnel And Training New Delhi And
3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Hemant Kumar Mishra, Abhishek Mishra, Arti Ganguly
Counsel for Respondent(s)	:	A.S.G.I., Ambrish Rai, C.S.C.

Court No. - 5

HON'BLE ALOK MATHUR, J.

HON'BLE AMITABH KUMAR RAI, J.

1. Heard Shri Abhishek Mishra, learned counsel for the petitioner, Shri S B Pandey, learned Senior Advocate and Deputy Solicitor General of India assisted by Shri Varun Pandey, for respondent no. 1, learned Standing Counsel for respondents no. 2 & 3 and Shri Anupam Mehrotra, learned counsel who has filed his vakalatnama on behalf of respondent no. 4.

2. By means of present writ petition the petitioner has sought a direction firstly to the respondent no. 2 i.e. State of Uttar Pradesh to decide his representation dated 23.8.2024 and initiate investigation and appropriate action against the respondent no. 4. He has further prayed for a direction to the State respondents to initiate departmental inquiry against the respondent no. 4 as per provisions of All India Services (Conduct) Rules, 1968 (hereinafter referred to as the Rules 1968).

3. It has been submitted on behalf of the petitioner that the petitioner has instituted a suit under Section 229B of the U.P. Zamindari Abolition and Land Reforms Act, 1950 which was decided on 15.11.2021 in which one Mahabodhi Society of India had moved an application for recall of the said judgment and also filed an appeal under Section 331 of the

U.P. Zamindari Abolition and Land Reforms Act, 1950 before the Commissioner. In the appellate proceedings, it was admitted without condonation of delay and interim order dated 26.6.2024 was also passed. The aforesaid order was assailed by the petitioner before this Court in Writ C No. 6033 of 2024 and the writ petition was allowed vide order dated 5.8.2024 remanding the matter to the court of Additional Commissioner (Administration), Gonda who was directed to take up the application for condonation of delay and thereafter if the matter survives to proceed to decide the case on merit.

4. The relevant part of judgment and order dated 5.8.2024 passed in Writ C No. 6033 of 2024 is reproduced below:

"The private respondents nos. 4 and 5 have filed a counter affidavit wherein they have stated that since this Court noticed a fact that the private respondent nos. 4 who had filed an appeal before the respondent no. 1 was represented by its president who was the father of the respondent no. 1, hence, the prayer which has been made by the petitioner may be allowed.

Sri Anupam Mehrotra, learned counsel for the private respondents nos. 4 and 5 submits that the basic grievance of the petitioner was that the respondent no. 1 had entertained an appeal of the respondent no. 4 and the father of the respondent no. 1 was the President of the respondent no. 4-Society. In such circumstances, it is submitted that the impugned orders may be set aside and the matter may be remitted to be considered and decided afresh on merits after affording an opportunity of hearing to the parties concerned.

Sri Hemant Mishra, learned counsel for the petitioner submits that in so far as the aforesaid submission is concerned, he has no objection, however, he submits that the matter may be transferred to some other court.

Having considered the aforesaid submissions and noticing the fact that the order impugned had been passed whereby in an appeal arising out of a suit under Section 229-B of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 was entertained without issuing notice to the respondents in the appeal on an application under Section 5 of the Limitation Act, 1963 and it was allowed and the appeal was entertained on merits directing the parties to maintain status-quo. This was an illegal exercise of jurisdiction by the respondent no. 1 and moreover the relationship of the respondent no. 1 with the President of the respondent no.4-Society was also such that it was not desirable for the respondent no. 1 to have heard the matter by himself and pass the order therein.

Considering the facts and circumstances, this Court is of the opinion that the impugned order dated 25.06.2024 cannot be sustained and is accordingly set aside. It is further provided that the respondent no. 1 shall transfer the said appeal bearing No. 131 of 2024 to the Court of Additional Commissioner (Administration), Gonda. The parties shall appear before the Transferree Court on 20th August, 2024. The Transferree Court will take up the application for condonation of delay and after affording full opportunity to the parties but without granting any unnecessary adjournments shall decide the said application first. In case if it finds favour and condones the delay then the appeal shall be heard on merits for admission and consideration of the application for interim relief and an endeavour be made that the appeal itself be finally heard and decided preferably within a period of six months.

It is made clear that the Court has not examined the case of either of the parties on merits and the impugned order has been set aside only for the reasons that it was passed in an improper exercise of jurisdiction.

The Transferree Court shall be free to pass appropriate orders in accordance with law and it is also provided that all pleas as may be available are open to the parties to be raised before the Transferree Court.

With the aforesaid observations, the petition is allowed in the aforesaid terms. Costs are made easy."

5. It is the action of respondent no.4 who is the author of judgment dated 26.6.2024 in his capacity as Commissioner, Devi Patan Division, Gonda which has propelled the petitioner for filing the present writ petition.

6. Learned counsel for the petitioner has vehemently submitted that the order dated 26.6.2024 was passed without affording any opportunity of hearing to the petitioner and the same has also been noticed by this Court while passing the judgment dated 7.11.2024 and such an action is directly in conflict with the Rules 1968 and hence the competent authority should proceed with disciplinary proceedings against the respondent no. 4. He has further submitted that according to the Rules, 1968 every member of service shall at all time maintain integrity and devotion to duty and shall do nothing which is unbecoming of a member of service and has further submitted that if any person misuses his position as civil servant proceedings shall be initiated against him and further that any member of service has to be restrained from doing anything that may be contrary to any Law, Rules, Regulations and established practices. Accordingly, he

submits that respondent no. 4 has clearly violated the Rules 1968 and the respondents should proceed against him no. 4.

7. The writ petition has been vehemently opposed by learned counsel appearing on behalf of respondents.

8. It has been submitted on behalf of respondents that firstly the antecedents of the petitioner himself are questionable and also that the petitioner concealed certain relevant facts in the present writ petition. It was stated that Mahabodhi Society of India had filed a writ petition before this Court being Writ C No. 5631 of 2026 wherein they had assailed the application preferred by the petitioner on 1.12.2025 where according to the society the petitioner has concealed material aspects of the matter and also questioned the citizenship of the petitioner. It was stated that the petitioner, who was previously a national of China and has now obtained citizenship of India by naturalization after obtaining a certificate of naturalization by fraud, false representation and concealment of material facts within the meaning of section 10(2)(a) of Citizenship Act, 1955 and this Court while deciding the aforesaid writ petition by means of order dated 24.5.2026 has duly considered the arguments raised by Deputy Solicitor General of India and directed the competent authority to look into the allegations against the petitioner and also initiate inquiry as provided under Section 10 of the Citizenship Act, 1955.

9. It has further been submitted that the order passed by the respondent no. 4 was in exercise of powers under Section 331 of the U.P. Zamindari Abolition and Land Reforms Act, 1950 and was a judicial / quasi judicial power vested in the Commissioner. The order was subject matter of a challenge in a writ petition before this Court and when the Court found that the order has been passed without giving any opportunity of hearing, had set aside the order remitting the same back to the competent authority to decide the matter afresh in accordance with law. It was stated that merely because an order has been subject matter of interference by a writ court in exercise of powers under Article 226 of Constitution of India cannot ipso facto result in disciplinary proceedings against such order.

10. He submits that any order which has been passed bona fide would be

a valid order till such time the same is set aside by superior court or authority. He submits that in case every order which is set aside by superior court or authority is subject matter of disciplinary proceedings then it would be impossible for the administration of any State to proceed or decide any controversy or take a reasoned decision in any manner whatsoever. He submits that it only for this fact the Judges Protection Act, 1885 was enacted to protect such action which are bona fide made in public interest.

11. In the present case an interim order is alleged to have been passed by respondent no. 4 and it is submitted that appropriate opportunity of hearing was not granted to the parties before passing of the said order.

12. Even if the infirmity in the order are writ large such a judicial order is always subject matter of challenge before the higher court which can rectify the error which may have been crept into any such judicial determination. But submits that certainly the same cannot be subject matter of disciplinary proceedings under Rules 1968.

13. We have considered the rival contention of parties and perused the record.

14. The facts as stated are not reiterated as they are not in dispute. The only issue which has been raised by the petitioner in the present case is with regard to order dated 26.6.2024 passed by the respondent no. 4 for which it is stated that disciplinary proceedings be initiated against the respondent no. 4. We find that the arguments raised by the petitioner before the writ court, when a challenge was made to order dated 26.6.2024 in the said proceedings, learned counsel for the respondent no. 4 himself had stated that the said order may be set aside and the matter may be remitted to be considered and decided on merit after affording opportunity of hearing to the parties concerned and this Court had duly considered the arguments raised on behalf of parties concerned and set aside the said order. We find that when a specific challenge was made by the petitioner to order dated 26.6.2024 itself before this Court it was open for him to have raised all the grounds in assailing the said order including the fact that the said order was passed malafide or for any extraneous considerations.

15. We find that the arguments of the petitioner were duly considered resulting in the writ petition being allowed by means of order dated 5.8.2024 and the order was set aside remitting the matter back to be decided as fresh. We do not find any observations made by the writ court in the said writ petition against the opposite party no. 4.

16. We have given our anxious consideration to the arguments of the petitioner but we are unable to accept the same. We find that in case in any successful writ petition where an order of authority below is set aside it cannot ipso facto result in initiation of disciplinary proceedings merely because the authority concerned has passed an order which was contrary to law, in violation of principles of natural justice or had any other legal infirmities. Unless and until it is demonstrated beyond doubt that the order was passed for extraneous consideration other than for upholding the law or which is malafide are only one of the few circumstances which can be considered for being proceeded against the respondent no.4 under the Rules 1968 but even if while making such directions the writ court has to circumspect and has to be sure of facts leading to the passing of such an order amounts to misconduct of the authority itself.

17. Such directions cannot be passed in a casual manner as has been prayed by the petitioner in the present writ petition. We find that no such material is available on record there so as to persuade this Court from accepting the grounds raised by the petitioner.

18. We further take into account the fact that it is after the remand proceedings the petitioner had approached this Court by filing Writ C No. 10064 of 2024 where respondent no. 4 of the present petition was arrayed as one of respondent namely respondent no. 6. It seems that in the subsequent writ petition specific allegations were levelled against the respondent no. 4 but the petitioner himself requested the writ court to delete the respondent no. 4 (respondent no. 6 therein) from arrays of parties and his request was duly accepted by this Court and the same has been noticed while passing the order dated 27.11.2024.

19. We further find that unless and until there are clear cogent verifiable facts leading to misconduct as alleged, no directions for initiating disciplinary proceedings under the Rules 1968 can be passed.

20. We do not find any such fact in the present case necessitating interference in this regard.

21. We further find that on two occasions the petitioner has already invoked the writ jurisdiction and made specific allegations against the respondent no. 4 and in none of the aforesaid occasions this Court was persuaded to initiate any disciplinary proceedings against the respondent no. 4.

22. Considering the aforesaid reasons, no ground for interference is made out.

23. The writ petition is devoid of merit and is **dismissed**.

(Amitabh Kumar Rai,J.) (Alok Mathur,J.)

August 10, 2026

J. K. Dinkar