

**Court No. - 6**

**Case :-** WRIT - A No. - 5204 of 2021

**Petitioner :-** Gore Lal Verma

**Respondent :-** State Of U P And 4 Others

**Counsel for Petitioner :-** Suresh Chandra  
Tiwari, Kali Kant Mishra

**Counsel for Respondent :-** C.S.C.

**Hon'ble Pankaj Bhatia, J.**

Heard counsel for the petitioner, learned Standing Counsel and perused the record.

The present writ petition has been filed challenging the order dated 31.1.2020 whereby the petitioner has been dismissed from service, the order dated 31.8.2020 whereby the appeal filed against the order dated 31.1.2020 has been dismissed as well as the order dated 3/11.12.2020 whereby the revision filed against both the said orders has also been rejected.

The contention of the counsel for the petitioner, in short, is that the order impugned 31.1.2020, which is contained in Annexure No. 10 to the writ petition, has been passed against the petitioner solely on the ground that despite being married to one Laxmi Devi, who is alive, the petitioner has maintained an illegal relationship with one lady named Hemlata Verma and the petitioner is staying with her as husband and wife. He also has three children from the said relationship. It is recorded that the said conduct is against the provisions of UP Government Servant Conduct Rules, 1956 and against the provisions of Hindu Marriage Act, as such, the dismissal from service

is warranted in terms of the rules applicable to the services of the petitioner. Challenge to the said order in appeal and revision met the same fate.

The contention of counsel for the petitioner is that this issue of dismissal from service only on account of second marriage or a live-in relationship came for consideration before Supreme Court in which case services of the petitioner therein was dismissed because the petitioner therein had contracted second marriage.

This Court after considering the case laws by means of a detailed judgment dated 2.5.2016 allowed the **Writ Petition No. 24493 of 2015 (Aneeta Yadav Vs. State of Uttar Pradesh and others)** set aside the dismissal order, however, an opportunity was granted to the respondents to award any minor penalty, if they so desire, in accordance with law.

It is argued that said judgment dated 2.5.2016 was challenged in Special Leave to Appeal (C) No. (s) 28877 of 2016 and the Supreme Court vide its order dated 7.10.2016 refused to interfere in the said order and consequently, the said Special Leave to Appeal was dismissed. It is further argued that the judgment of this Court in **Anita Yadav (supra)** relied upon the earlier judgment of this Court in the case of **Shravan Kumar Pandey Vs. State of UP and others (2010) 8 ADJ 243.**

In sum and substance, the argument is that dismissal order has been passed solely on account of the petitioner having maintained live-in relationship outside marriage deserves to be set

aside as the punishment is too harsh and thus, benefit to the judgment in the case of **Anita Yadav (supra)** should be extended to the petitioner also.

I have perused the said order which indicates that sole ground for dismissal from service of the petitioner is his having live-in relationship outside marriage.

Considering the fact as well as the judgment of this Court in the case of **Anita Yadav (supra)**, I do not see any reason as to why petitioner should not be extended same benefit extended to the petitioner **Anita Yadav (supra)** vide judgment dated 2.5.2016. Consequently, the writ petition is allowed and the impugned orders dated 31.1.2020, 31.8.2020 and 03/11.12.2020 (Annexure Nos. 10, 12 and 14) passed by the Respondents No. 5, 4 and 3 respectively are set aside.

Petitioner is directed to be reinstated, however, the petitioner shall not be paid the back wages from the date of dismissal till today.

It is open to the respondents to pass fresh orders for imposition of minor penalty in accordance with law, if so advised.

The writ petition stands allowed in terms of the said order.

Copy of the order downloaded from the official website of this Court shall be treated as certified copy of the order.

**Order Date :- 14.7.2021**

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