

Court No. - 36

Case :- WRIT - A No. - 16959 of 2023

Petitioner :- Lokesh Kumar

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Chandra Bhan Gupta

Counsel for Respondent :- C.S.C., Shashi Prakash Rai

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No. 1 & 3 as well as Sri Shashi Prakash Rai, learned counsel appearing for the Respondents No. 2 and 4.

2. Petitioner through this writ petition has challenged the order dated 4.11.2022 whereby major penalty has been imposed against him in the form of withholding of two annual increments permanently.

3. Counter-Affidavit has been filed on behalf of Respondent No. 2 wherein it has been categorically stated that petitioner has already availed statutory alternative remedy by filing an appeal against punishment order dated 4.11.2022, therefore, this writ petition is not maintainable.

4. Learned counsel appearing for the petitioner, though has argued that the punishment order has been passed without there being date, time and place fixed by the inquiry officer for holding inquiry but he could not deny the fact that the petitioner has already availed the statutory alternative remedy by filing an appeal.

5. In view of the fact that petitioner has already filed an appeal against the punishment order dated 04.11.2022 before the Secretary, U.P. Basic Education Board, Prayagraj, therefore, this writ petition in the present form is not maintainable. It is accordingly dismissed.

6. However, since the appeal against the punishment order has already been filed by the petitioner, therefore, Respondent No. 4 is directed to consider and decide petitioner's appeal by passing speaking and reasoned order within a period of two months.

Order Date :- 31.10.2023

A. Mandhani