

Court No. - 33

Case :- WRIT - A No. - 12944 of 2023

Petitioner :- Ravindra Singh Yadav

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

Counsel for Petitioner :- Ishir Sripat, Sushil Shukla, Sr. Advocate

Counsel for Respondent :- C.S.C., Anjali Upadhyay, Kaushalendra Nath Singh

Hon'ble J.J. Munir, J.

Heard Mr. Rahul Sripat, Senior Advocate assisted by Mr. Ishir Sripat, learned Counsel for the petitioner, Ms. Anjali Upadhyay, learned Counsel appearing on behalf of respondent nos. 2 and 3 and Mr. Roopesh Tiwari, learned Standing Counsel appearing for respondent no. 1.

The explanation submitted by the Office dated 04.11.2023 in compliance with this Court's order dated 17.10.2023 is accepted, subject to the remark that it is no justification that papers have been sent to the Bench by the Fresh Filing Section and the affidavit of the Additional Chief Secretary, Ministry of Industrial Development, Government of U.P., Lucknow was filed in the Registry. Even if a case is sent by the Fresh Filing Section, it is the duty of the Section concerned to cause all affidavits filed even minutes before the matter is taken up to be restored to record. The Office is cautioned to be careful in future and this part of the matter stands closed.

A counter affidavit has been filed on behalf of the Additional Chief Secretary Ministry of Industrial Development, Government of U.P., Lucknow in compliance with the earlier order of this Court. The affidavit shows that the charge-sheet in this case, which is a

document dated 29.04.2023, has been served upon the petitioner on 09.10.20.23, after orders were passed by this Court. The reasons given for delay in service of the charge-sheet by the Additional Chief Secretary are neither convincing nor plausible. It is apparent that the delay in serving this charge-sheet by the Government upon the petitioner, an employee of the Centralized service of Development Authorities in the State is an instance of the hard-boiled bureaucratic practices to delay proceedings.

Nevertheless, the submission of Mr. Rahul Sripat, Senior Advocate assisted by Mr. Ishir Sripat, learned Counsel for the petitioner that the suspension order would become bad on account of delay in service of the charge-sheet, going by the principles laid down by the Supreme Court in **Ajay Kumar Choudhary vs. Union of India and others (2015) 7 SCC 291** may be trite for the principle, but given the nature of the charges here, this Court does not think that the petitioner is entitled to relief at this Stage. This remark of ours should not be considered as an expression on merits of the charges that are levelled, which the respondents have to establish at the inquiry, in the first instance by their evidence.

In view of fact that there is a long lapse of time between order of suspension and service of the charge-sheet, the respondents are directed to conclude the entire disciplinary proceedings within two months of date, which means the recording of a final order in the disciplinary matter and not just submission of the inquiry report. During this period of time, the petitioner shall be paid subsistence allowance regularly, without asking him to furnish a non engagement certificate. Arrears of subsistence allowance, if not paid for the period of suspension, shall also be paid within a week. The petitioner shall cooperate with the inquiry and will not seek

undue adjournments. Adjournment, if necessary, will be very short so as to meet the schedule indicated. In the event, disciplinary proceedings are not concluded within two months next, it will be open to the petitioner to move this Court again seeking revocation of his suspension.

This petition is **disposed of** in terms of the aforesaid orders.

Let this order be communicated to the Additional Chief Secretary, Ministry of Industrial Development, Government of U.P., Lucknow, the Chief Executive Officer, Greater NOIDA Industrial Development Authority, Gautam Budh Nagar and the Secretary, Greater NOIDA Industrial Development Authority, Gautam Budh Nagar by the Registrar (Compliance) **within 48 hours**.

Order Date :- 6.11.2023

Deepak