

Court No. - 34

Case :- WRIT - A No. - 14699 of 2023

Petitioner :- Jitendra Kumar Tyagi

Respondent :- State Of U P And 4 Others

Counsel for Petitioner :- Sonal Bharti, Akash Chaubey, Sharda Prasad Mishra, Shivam Dubey

Counsel for Respondent :- C.S.C

Hon'ble Ajit Kumar, J.

Heard Ms. Sonal Bharti, learned counsel for the petitioner and learned Additional Chief Standing Counsel for the State respondents.

By means of this petition filed under Article 226 of the Constitution, petitioner has questioned the suspension order dated 18th August, 2023 for the reason that he had been transferred in June, 2023 from the place in question and that all the payments were made with the countersignature of the higher authority, therefore, petitioner cannot be leveled with the charge of undue payment to any person or party for carrying out the work in question relating to the projects which were started earlier at the time when petitioner was posted in the office of particular Gram Panchayat.

Learned Additional Chief Standing Counsel submits that petitioner has already been served with the chargesheet on 13th September, 2023.

In the given facts and circumstances of the case when the petitioner has remained posted for a long long one year in the Gram Panchayat concerned where he had discharged certain duties, petitioner cannot just take a defence that since payments were made with the countersignature of the higher authority, therefore, no *prima facie* case is made out. Charges are such that required thorough investigation in the matter.

However, though I do not intend to interfere in the matter, however, it is hereby provided that in the event petitioner submits reply to the chargesheet within a period of four weeks from today, the departmental inquiry shall be concluded within next one month's time with due participation of the petitioner provided of

course petitioner cooperates. After the departmental inquiry is concluded, the disciplinary proceedings shall also be concluded within the next two months' time.

It is made clear that in the event directions issued hereinabove, for completion of the departmental inquiry and disciplinary proceedings are not complied with despite due corporation rendered by the petitioner, it will be open for the petitioner to question the suspension order before this Court again.

It is further provided that during the period petitioner has remained under suspension, he shall be paid subsistence allowance without delay.

It is made clear that the in the event disciplinary proceedings and departmental inquiry shall not be concluded as directed hereinabove despite due corporation of the petitioner, the order of suspension shall stand revoked.

Order Date :- 18.10.2023

Atmesh