

Court No. - 36

Case :- WRIT - A No. - 15047 of 2023

Petitioner :- Raj Kumar Sen

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

Counsel for Petitioner :- Rajveer Chaurasiya, Lal Dev, Shikhar Tandon, Virendra Kumar Gupta

Counsel for Respondent :- C.S.C., Manvendra Singh

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No.1 and 5 as well as Sri Manvendra Singh, learned counsel appearing for the Respondents No. 2, 3 and 4.

2. Petitioner through this writ petition has challenged the order dated 28.3.2023 passed by the District Basic Education Officer, Mahoba, whereby services of the petitioner have been placed under suspension.

3. This court, after hearing the parties' counsels, passed an order on 5.10.2023 and required Sri Manvendra Singh, learned counsel appearing for the Respondents No.2, 3 and 4 to produce before this court the material, on the basis of which, services of the petitioner have been placed under suspension. For ready reference, order dated 5.10.2023 is extracted as under:-

"1. Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the Respondent No. 1 as well as Mr. Manvendra Singh, learned counsel appearing for the Respondents No. 2 & 3.

2. Petitioner through this writ petition has challenged the order dated 28.03.2023, whereby petitioner's services have been placed under suspension. Order of suspension dated 28.03.2023 reveals that some report has been submitted by the Superintendent of Police Mahoba on 06.02.2023 to the District Basic Education Officer, Mahoba, in which certain observations have been made against the character of the petitioner.

3. Let Mr. Manvendra Singh, learned counsel appearing for the Respondents No. 2 & 3 produce before this court the material on the basis of which services of the petitioner have been placed under suspension.

4. List this matter on 16.10.2023 as fresh."

4. Today, Sri Manvendra Singh, learned counsel appearing for the Respondents No. 2, 3 and 4, on the basis of the instructions received from the District Basic Education Officer, Mahoba, has submitted that after inquiry in the matter, inquiry report was submitted, in which petitioner has been exonerated and consequently, petitioner vide order dated 26.10.2023 has been

reinstated in service along with full salary. Instructions provided by Sri Manvendra Singh, learned counsel appearing for the Respondents No. 2 and 3, are taken on record.

5. Learned counsel appearing for the petitioner has submitted that the order of suspension impugned in this writ petition has been revoked by the District Basic Education Officer, Mahoba vide his order dated 26.10.2023 and petitioner has been reinstated in service with full salary but neither the current salary has been paid to the petitioner nor arrears of salary have been paid to him till date.

6. Sri Manvendra Singh, learned counsel appearing for the Respondents No. 2, 3 and 4, at this stage, has submitted that the suspension of the petitioner has already been revoked, therefore if petitioner still have any grievance regarding payment of salary or payment of arrears of salary, he may prefer representation before the District Basic Education Officer, Mahoba and grievance of the petitioner can be redressed at the end of the said officer.

7. In view of the aforesaid submissions advanced by the learned counsels appearing for the parties, this writ petition is finally disposed of with liberty to the petitioner to file a fresh representation regarding payment of salary and payment of arrears of salary, within fifteen days from today and if the said representation is filed, the District Basic Education Officer, Mahoba is directed to consider and decide the said representation by passing reasoned and speaking order within one month thereafter.

Order Date :- 1.11.2023
Salim