

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 6595 of 2023

Applicant :- Subhash Kumar

Opposite Party :- Sanjay Prasad, Principal Secretary (Home)

Counsel for Applicant :- Rakesh Kumar Singh

Hon'ble Rohit Ranjan Agarwal,J.

Supplementary affidavit, filed today, is taken on record.

Heard learned counsel for the parties.

The writ Court on 21.07.2023 in Writ-A No.11691 of 2023 had passed the following order:-

"The present writ petition has been filed challenging the order dated 05.07.2023 passed by the Principal Secretary, Department of Home (Police), Government of Uttar Pradesh, Lucknow putting the petitioner under suspension pending a departmental inquiry instituted against him.

It has been argued by the counsel for the petitioner that a perusal of the order dated 05.07.2023 itself shows that an erroneous order dated 03.03.2023 was passed by the Senior superintendent of Police, Moradabad regarding uniform of the personnel of the Fire Department. It has been argued that the petitioner is not subordinate to the Senior Superintendent of Police, Moradabad and is not a part of the Police Department and could have, therefore, not informed the Senior Superintendent of Police, Moradabad. At present, there is nothing on record to indicate collusion of the petitioner in getting the order dated 03.03.2023 passed by the Senior superintendent of Police, Moradabad. It has been argued that the order dated 05.07.2023 was passed mechanically and without any application of mind.

The matter requires consideration.

The Standing Counsel representing the respondents prays for and is granted eight weeks' time to file his counter affidavit. The petitioner shall have four weeks thereafter to file his rejoinder affidavit.

List before the Registrar who shall fix any date for admission after counter affidavit and rejoinder affidavit have been filed by the parties. The Registrar may, if necessary, grant further opportunities to the parties to file their affidavits but not more than two further opportunities shall be granted by the Registrar.

Meanwhile, the order dated 05.07.2023 passed by the Principal Secretary, Department of Home (Police) Government of Uttar Pradesh, Lucknow which

puts the petitioner under suspension shall remain stayed.

It is clarified that the departmental inquiry instituted against the petitioner shall continue and the present order shall not be considered as a stay on the inquiry proceedings."

From the perusal of the aforesaid order, it is clear that the suspension order dated 05.07.2023 passed by the opposite party was stayed. The writ Court further clarified that the departmental inquiry instituted against the applicant is to continue and the order passed in the writ proceedings could not be considered as the stay in the inquiry proceedings.

Today, when the case was taken up, learned Standing Counsel has placed before the Court the instructions so received by him. According to the instructions, the opposite party on 29.08.2023 had passed the order revoking the suspension of the applicant.

In view of the said fact once, the suspension order has been revoked, no case for contempt is made out.

Accordingly, contempt application stands dismissed.

Order Date :- 12.10.2023

SK Goswami