

Court No. - 34

Case :- WRIT - A No. - 16250 of 2023

Petitioner :- Naresh Kumar Bharti

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

Counsel for Petitioner :- Siddharth Khare, Sr. Advocate

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar, J.

In compliance of earlier order of this Court, learned Standing Counsel has obtained instructions and placed the same before this Court, which are taken on record.

Heard Sri Ashok Khare, learned Advocate assisted by Siddharth Khare and Mohd. Yasin, learned counsel for the petitioner and learned Standing Counsel for the State respondents.

The petitioner has questioned the suspension order dated 8.9.2023 on the ground that it has been passed on the basis of item published on same day in news daily, Amar Ujala dated 8.9.2023 in which certain allegations were levelled against the petitioner. He submits that there has been no preliminary fact finding enquiry and thus there is no independent application of mind by the concerned respondent while passing order of suspension.

Per contra, learned Standing Counsel has obtained instructions and as per instructions, there are audio recording available with the respondents in which his voice has come to be recorded demanding money.

Having heard learned counsel for the parties and having perused the records, I find that the order of suspension dated 8.9.2012 stands solely passed on the basis of news item published in news daily and statement of charges are same as the news item carried. I, therefore do not find any justification for in the order of District Development Officer, Mainpuri for want of application of mind independently. It was duty of the competent authority to have applied its mind on the truthfulness of news paper item so published.

So far as audio recording is concerned, which has come to be mention in the instructions, I do not find that there has been any independent preliminary fact finding enquiry report has been obtained in the matter of alleged audio clip which has come to be mentioned in the news item so published.

Matter requires.

At this stage, learned Standing Counsel submits that the court may remit the matter to the authority concerned to hold preliminary fact finding enquiry and then proceed in accordance with law.

In view of above, therefore, the order dated 8.9.2023 placing the petitioner under suspension on the basis of the news paper report is hereby quashed. However, liberty is given to the respondent to hold preliminary fact finding enquiry and then to proceed in accordance with law on the basis of findings returned in such report.

With the aforesaid observations and directions, this writ petition stands allowed.

Order Date :- 12.10.2023
Sanjeev