

Court No. - 34

Case :- WRIT - A No. - 17039 of 2023

Petitioner :- Sonam Dwivedi

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

Counsel for Petitioner :- Shri Kant Shukla

Counsel for Respondent :- CSC

Hon'ble Ajit Kumar,J.

1. Heard learned counsel for the parties.
2. By means of this petition filed under Article 226 of the Constitution of India, petitioner has challenged the order dated 11.09.2023 whereby she has been suspended and attached in the office of Regional Food Controller, Agra.
3. It is submitted by learned counsel for the petitioner that the petitioner has joined pursuant to the order dated 11.09.2023. Petitioner does not dispute that her original place of posting was in District Banda when she availed leaves and when she further demanded leave it was refused and she was placed under suspension and that in compliance of the order of suspension, she has submitted her joining.
4. Learned Standing Counsel submits that since the petitioner has herself complied with the order of suspension dated 11.09.2023 giving her joining meaning thereby she was all well and fit to render her services and she was demanding leave for no justifiable reasons.
5. Having heard learned counsel for the parties and having perused the record, since the petitioner has already submitted his joining pursuant to the order dated 11.09.2023 on attachment basis, I do not find any justification now to interfere with the suspension order. Petitioner has herself submitted to the suspension order for the purpose of seeking subsistence allowance.
6. In the circumstances, this petition stands ***disposed of*** with following directions:

a) Chargesheet, if any, shall be served upon the petitioner within three weeks from today.

b) Petitioner shall be submitting her reply within a further period of three weeks.

c) After the submission of reply of the petitioner, departmental enquiry shall be concluded within the next one months' time provided petitioner cooperates.

d) After the departmental enquiry is completed the disciplinary proceedings shall be concluded within the next two months' time.

6. It is made clear that in the event departmental enquiry or the disciplinary proceedings are not concluded within the time prescribed for despite due cooperation of the petitioner as the case may be, the order of suspension dated 11.09.2023 shall stand revoked.

7. It is further provided that during the period petitioner remains under suspension she will be continuously paid her subsistence allowance in accordance with law.

Order Date :- 17.10.2023

Deepika