

Court No. - 34

Case :- WRIT - A No. - 17119 of 2023

Petitioner :- Wahid Hussain

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Mohd. Samiuzzaman Khan

Counsel for Respondent :- C.S.C.

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, the petitioner has questioned the suspension order dated 21.09.2023 with which the disciplinary proceeding is instituted against the petitioner for making report regarding unauthorized possession over the chakmarg alongwith another charge.
3. Learned Standing Counsel has placed instruction before the Court in compliance of the earlier order passed by this Court according to which a fact finding enquiry from the spot was conducted by the team of the Revenue Department and after carrying out measurement exercise from the spot it was found that that there was unauthorized possession made by certain people over and above the chakmarg. This measurement exercise was carried out in presence of the petitioner also.
4. Petitioner also testified the earlier report on the ground that a civil suit was going on but he could not deny that the civil suit was going on between the parties. The Court is also of the *prima facie* view that even if the civil suit was going on, the report could have been submitted regarding unauthorized possession as the suit would be operating *inter se* parties.
5. In the given facts and circumstances therefore, I do not find this case to be fit enough to be interfered at this stage.
6. However, it is provided that respondents shall be serving the chargesheet upon the petitioner within four weeks from today which shall be replied to by the petitioner within the

next two weeks. Soon after the reply being submitted, the oral enquiry be held and completed within the next one months' time. The appropriate decision thereafter regarding disciplinary proceedings shall take place and disciplinary proceedings if continues shall further be disposed of within a further period of two months provided the petitioner cooperates.

7. Petitioner shall be paid subsistence allowance for the period he was kept under suspension. It is further clarified that in the event departmental enquiry and disciplinary proceedings as the case may be, is not concluded within the time prescribed hereinabove, the suspension order shall stand revoked.

8. Subject to the aforesaid observations and directions, this petition stands ***disposed of***.

Order Date :- 20.11.2023

Deepika