

Court No. - 34

Case :- WRIT - A No. - 17249 of 2023

Petitioner :- Sunder Lal And Another

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

Counsel for Petitioner :- Mohammad Umar Khan

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, the petitioners have challenged the order dated 30.09.2023 of minor punishment on the ground that there has been no consideration at all of the reply submitted by the petitioners on 05.06.2023 to the show cause notice dated 23.04.2023.
3. Learned counsel for the petitioners submits that he has given sufficient explanation of his absence by messaging to the group members of the Police Station that he was proceeding on casual leave and the duty was allotted as per the roster. However, this aspect of the petitioner's explanation has not at all been referred to, what to say about consideration thereof.
4. Learned Standing Counsel has sought to argue that explanation offered by the petitioners was quite misleading but could not explain as to whether the reply submitted by the petitioners were considered.
5. In my considered view, this aspect of non consideration of the reply of the petitioners in correct perspective and not dealing with the same makes the order of punishment, may be minor in nature, unsustainable.
6. At this stage, learned Standing Counsel submits that the matter may be remitted to the authority for a decision afresh.
7. In view of the above the order dated 30.09.2023 is hereby quashed. Writ petition is ***allowed***.

8. Matter is remitted to the disciplinary authority to decide afresh in the light of the judgment of this Court in the case of ***Surendra Singh v. State of U.P. and another, Writ A No.23290 of 2017 decided on 24.05.2017.***

9. Appropriate decision shall be taken within two months of production of certified copy of this order.

10. Needless to add the order to be passed shall be reasoned and speaking one.

Order Date :- 18.10.2023

Deepika