

Court No. - 34

Case :- WRIT - A No. - 17185 of 2023

Petitioner :- Dhiraj Kumar Mishra

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

Counsel for Petitioner :- Devottam Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

Heard learned counsel for the parties and perused the record.

By means of this petition filed under Article 226 of the Constitution, petitioner has prayed for quashing of the suspension order dated 8th March, 2023 on the ground that he was placed under suspension upon being sent to jail in connection with criminal case arising out of Case Crime No.- 49 of 2023 under Section 307 and 120-B I.P.C.

Learned counsel for the petitioner, however, submits that petitioner has been subsequently released on bail on 3rd April, 2023 but department has continued with the suspension order. It is submitted that no disciplinary proceedings have been initiated against the petitioner.

Per contra, it is argued by learned Standing Counsel that as per the order of suspension it is itself reflected that it is in contemplation of inquiry.

Be that as it may, in the first instance, it would be appropriate for petitioner to approach the Superintendent of Police, Sant Kabir Nagar along with application for revocation of suspension order if no disciplinary proceedings have been initiated by issuing him chargesheet, for the reason that he was placed under suspension upon being sent to jail and now he has been enlarged on bail.

It is hereby provided that in the event petitioner approaches the authority concerned as directed hereinabove within a period of three weeks from today, the application of the petitioner shall be considered and disposed of strictly in accordance with law within a further period of six weeks by means of a reasoned and speaking order.

Order Date :- 18.10.2023

Atmesh