

Court No. - 34

Case :- WRIT - A No. - 17248 of 2023

Petitioner :- Sunil Sharma

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

Counsel for Petitioner :- Rakesh Kumar Mishra

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 petitioner has questioned the order of suspension dated 25.09.2023 on the ground that earlier when the online applications were submitted for the purpose of entry of the successor of Late Ram Chandar, he had refused to make recommendation for the application because documentary evidence was not placed. However, subsequently evidence were placed and therefore, he made a recommendation.

3. From the perusal of the record it transpires that the application filed online bore same details and, therefore, in my considered view since it is a case where the petitioner had made a endorsement in terms of recommendation after rejecting three previous applications, the matter required investigation by the enquiry officer. Thus, I do not see any justification to interfere with the order of suspension. However, it is provided that in the event chargesheet, if not, already issued to the petitioner, shall be issued within four weeks from today. Soon after receiving the chargesheet, petitioner shall be submitting reply within a further period of three weeks and after the reply of the petitioner is received, the departmental enquiry shall be concluded within one month provided petitioner cooperates. After the departmental enquiry is completed, disciplinary proceedings shall also be concluded in the next two months' time.

4. It is further provided that if the petitioner cooperates in the departmental enquiry and disciplinary proceedings and they are still not concluded within the time prescribed for hereinabove, the order of suspension of the petitioner dated

25.09.2023 shall stand revoked.

5. It is further directed that during the period of suspension, petitioner shall be paid subsistence allowance without any break.

6. With the aforesaid observations and directions, this petition stands ***disposed of***.

Order Date :- 18.10.2023

Deepika