

Court No. - 33

Case :- WRIT - A No. - 17328 of 2023

Petitioner :- Shivani Gautam

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

Counsel for Petitioner :- Saurabh Srivastava

Counsel for Respondent :- C.S.C.,Manoj Kumar Srivastava

Hon'ble J.J. Munir,J.

Heard Mr. Saurabh Srivastava, learned Counsel for the petitioner and Mr. Manoj Kumar Srivastava, learned Counsel for respondent nos. 2 and 3.

A perusal of the suspension order shows that there are allegations that the petitioner has been threatening her higher officials and others with implication in false cases of molestation *et cetera* in the event she is asked to report on duty because she is very impunctual. It is mentioned in the order that she reports for duty at 12.35 p.m. and leaves the office within half an hour after signing the attendance register.

If asked to explain her position or mend her ways, she abuses the other employees or the officers, who are then threatened with false implication in cases on charges involving moral turpitude.

The allegations *prima facie* are serious and may entail the imposition of a major penalty. This Court does not mean to say that the charges are true. The truth of the charges has to be established by the employers at the inquiry by leading evidence, including oral evidence with due opportunity of hearing to the petitioner.

At this stage, however, considering the nature of charges, no case of interference with the impugned suspension order is made.

It is, however, directed that the inquiry shall be expedited and concluded within three months of date and the petitioner shall cooperate with the inquiry.

During the period of suspension, the petitioner will be paid her subsistence allowance regularly without the respondents insisting upon production of a non-employment or non-alternative engagement certificate.

In the event, the disciplinary proceedings are not concluded within three months, it will be open to the petitioner to approach this Court again against the continued suspension.

This petition is **disposed of** in terms of the aforesaid order.

Order Date :- 18.10.2023

Prashant D.