

Court No. - 21

Case :- SPECIAL APPEAL No. - 710 of 2023

Appellant :- Sanjeev Kumar

Respondent :- The State Of U P And 2 Others

Counsel for Appellant :- Vishakha Pande, Jyoti Kumar Singh, Sr. Advocate

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Donadi Ramesh, J.

1. The instant intra-court appeal is directed against the order dated 26 September 2023 passed by learned Single Judge dismissing the writ petition of the appellant challenging the order dated 14.09.2023, by which he was placed under suspension in contemplation of disciplinary enquiry.
2. Learned Single Judge has noted that in due course a charge sheet had been served on the appellant specifying the article of charges and therefore he has declined to interfere with the suspension order.
3. Shri Rakesh Pandey, learned Senior Counsel appearing for the appellant contends that the suspension order does not reveal application of mind to the second proviso to Rule 4(i) of the U.P. Government Servants (Discipline and Appeals) Rules, 1999, as to whether the charges if proved would entail any major penalty. He further submits that the appellant has been attached at Meerut which is 600 K.M. from the place where enquiry is being held i.e. Prayagraj and which is resulting in immense difficulty to the appellant. He submits that the appellant may be granted opportunity to apply for revocation of suspension order before the Disciplinary Authority and also for his attachment at some nearby place.
4. Sri Rajiv Gupta, learned Additional Chief Standing Counsel does not object to the aforesaid submission.
5. Accordingly, the instant appeal is **disposed of** with liberty to the appellant to apply for revocation of suspension order and also for his attachment at some nearby place and in which event the Disciplinary Authority will decide the representation made

in this behalf within three weeks.

6. The appeal stands disposed of accordingly.

Order Date :- 1.11.2023

Mukesh Kr.

(Donadi Ramesh,J.) (Manoj Kumar Gupta,J.)