

Court No. - 34

Case :- WRIT - A No. - 17778 of 2023

Petitioner :- Abdul Rahman

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Satya Prakash Pandey,Rudra
Kant 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 prayed for quashing of the suspension order dated 13.09.2023.
3. Learned Standing Counsel submits that petitioner's defence in respect of the charges levelled under the suspension order cannot be drawn into by this Court at this stage. He submits that the charges are such upon which, if proved, even major penalty can be imposed.
3. Be that as it may since the petitioner has been visited with the suspension order on the basis of a preliminary fact finding report upon which show cause notice was issued to the petitioner, no good ground is seen to interfere with the order.
3. However, considering the facts and circumstances of the case it is provided that chargesheet shall be issued to the petitioner if the article of the charges are approved as per U.P. Government Servant (Discipline and Appeal) Rules, 1999, within three weeks from today. Soon after the receiving of chargesheet, petitioner shall be submitting reply within a further period of three weeks time and after the reply of the petitioner, departmental enquiry shall be concluded within next one month provided petitioner cooperates. Soon after the departmental enquiry is completed, disciplinary proceedings shall also be concluded in the next two months' time as per the procedure prescribed for.
4. It is further provided that if the petitioner cooperates in the

departmental enquiry and disciplinary proceedings and they are still not completed within the time prescribed for hereinabove, the order of suspension of the petitioner dated 13.09.2023 shall stand revoked.

5. It is further directed that during the period of suspension, petitioner shall be paid subsistence allowance as admissible to him. It is also provided that in the event petitioner fails to submit reply to the chargesheet within the time prescribed for, it will remain open for the respondents to proceed in accordance with law.

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

Order Date :- 19.10.2023

Deepika