

Court No. - 34

Case :- WRIT - A No. - 17859 of 2023

Petitioner :- Ganesh Kumar Patel

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

Counsel for Petitioner :- Prem Prakash Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

Heard learned counsel for the petitioner as well as learned Standing Counsel.

Learned Standing Counsel has obtained instructions in the matter and as per the instruction a charge sheet has come to be approved on 24.11.2023, however, service thereof upon the petitioner might have not been effected till date.

Petitioner, who has been working as Gram Panchayat Adhikari, had been suspended on 05.08.2023 and charge sheet has come to be approved on 14.11.2023 just after presentation of this petition before this Court and then still further the service thereof has not been made upon the petitioner till date.

Looking to the charges in the suspension order, I do not find the charge to be such which upon being proved invite a major penalty as the charges only of dereliction in duty and only spending 75% of the amount meant of development activity. There is no charge of embezzlement.

In the circumstances, therefore, I do not find that petitioner is required to remain under suspension during the pendency of departmental enquiry. The charge sheet as already approved by the competent authority, shall be issued to the petitioner within two weeks from today to which petitioner shall submit reply within a further period of two weeks. The departmental enquiry shall be concluded within a further period of 30 days giving due opportunity to the petitioner to participate in the enquiry. Thereafter, if need be the disciplinary proceedings shall be continued but shall be concluded within a further period of one month. For a period of three months from today or till the final outcome of the disciplinary proceedings, the order of suspension issued to the petitioner dated 05.08.2023 shall remain in abeyance. Petitioner shall be permitted to discharge his duties and shall be paid salary, however, payment for the period petitioner has

remained under suspension shall be subject to final outcome of the disciplinary proceedings.

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

Order Date :- 11.12.2023

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