

Court No. - 34

Case :- WRIT - A No. - 18153 of 2023

Petitioner :- Anek Pal Singh Rathore

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

Counsel for Petitioner :- Siddharth Khare, Sr. Advocate

Counsel for Respondent :- CSC

Hon'ble Ajit Kumar, J.

1. Heard Sri Siddharth Khare, learned counsel for the petitioner as well as learned Standing Counsel for the State.

2. Both the petitioners are heard and decided together as they involve same issue.

3. Petitioner, who was working as Gram Vikas Adhikari, was placed under suspension in the year 2011 in contemplation of an enquiry. Ultimately he was visited with a final punishment order passed on 19.06.2019 in which following punishments were imposed:

1- शासकीय कार्य के प्रति लापरवाही व अनियमित कार्यशैली के क्रम में निष्ठा संदिग्ध की जाती है।

2- संचयी प्रभाव से आगामी 6 (छे) वेतन बृद्धिया स्थायी रूप से रोकी जाती है।

3- शासकीय धनराशि मु० 8,34,530-00 (आठ लाख चौतीस हजार पाँच सौ तीस रु०) के गबन /दुर्विनियोजित धनराशि की बसूली अवशेष सेवा अवधि 05 वर्ष 07 माह में मु० 11,000 (ग्यारा हजार रु०) प्रतिमाह की दर से कुल 67 (सरसठ) किस्तों में मु० 733000-00 (सात लाख तैतीस हजार रु०) तथा शेष धनराशि की बसूली सेवा निवृत्ति के देयकों से की जायेगी। शासकीय धनराशि के गबन की बसूली माह जून 2019 के वेतन से की जायेगी।

4- श्री अनेकपाल सिंह राठौर, ग्रा०वि०अ० को निलम्बन की तिथि के पूर्व माह सितम्बर 2011 को प्राप्त वेतन प्रक्रम में स्थायी रूप से रखते हुए सवेतन बहाल किया जाता है।

4. The matter ultimately traveled to this Court at the stage of appeal and therefore, the Court directed that the appeal and stay application of the petitioner be disposed of in accordance with law, the matter was disposed of on 07.05.2022. The appellate authority accordingly proceeded to decide the pending appeal of the petitioner and ultimately allowed the appeal vide order dated 03.03.2023 in following terms:

1. जिला विकास अधिकारी, बदायूँ का आदेश संख्या 436/स्था०-02/ जांच/ 2019-20 दिनांक 19.06.2019 तत्काल प्रभाव से निरस्त किया जाता है तथा अपीलार्थी को एक पक्ष के अन्दर उसके उक्त आदेश दिनांक 19.06.2019 के क्रम में रोके गये समस्त देयकों का नियमतः भुगतान कराकर अधोहस्ताक्षरी को अवगत कराना सुनिश्चित करें।

2. जिला विकास अधिकारी, बदायूँ को आदेशित किया जाता है कि वह भविष्य में यह सुनिश्चित कराएँ कि लम्बित अनुशासनिक कार्रवाईयाँ शासन द्वारा समय-समय पर निर्गत सुसंगत शासनादेशों में निहित प्राविधानों के अनुरूप ससमय निस्तारित करायीं जाएँ ताकि किसी सरकारी सेवक को आर्थिक एवं मानसिक क्षति न पहुँचे व उसे अनावश्यक रूप से माननीय न्यायालय की शरण में न जाना पड़े।

उक्त आदेश तत्काल प्रभावी होंगे।

5. From the perusal of the aforesaid quoted operative portion of the orders of punishment dated 19.06.2019 and that of the appellate authority dated 03.03.2023 it clearly transpires that the punishment order dated 19.06.2019 was set aside by the appellate authority and thus, petitioner became entitled to all the consequential benefits since the year 2011 when he was placed under suspension and so also the restoration of his seniority and also promotional benefits at par with those juniors who have stood promoted in the meantime.

6. In view of the above, petitioner wants that his representations dated 29.04.2023 and 15.07.2023 in which petitioner has prayed for several benefits of pay scale, fixation etc. and also promotional benefits, may be directed to be disposed of in accordance with law.

7. Learned Standing Counsel does not have any objection to the above request to the count that it may be directed to be disposed of strictly in accordance with law.

8. In view of the above, both the petitions stand **disposed of** with direction that the petitioner's pending representations dated 29.04.2023 and 15.07.2023 shall be disposed of as expeditiously as possible preferably within a period of two months from the date of production of certified copy of this order giving opportunity of hearing to him and considering the fact that the appellate authority has already set aside the order of punishment dated 19.06.2019. The decision to be taken shall be well informed one.

Order Date :- 30.10.2023

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