

Court No. - 34

Case :- WRIT - A No. - 18098 of 2023

Petitioner :- Brijesh Kumar Srivastava

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Santosh Kumar Pandey, Seema Srivastava

Counsel for Respondent :- C.S.C., Kunal Shah

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, petitioner has prayed for quashing of the suspension order dated 22.09.2021 on the ground that the respondents have unnecessarily delayed the disciplinary proceedings.
3. Mr. Kunal Shah, learned Advocate appearing for the contesting respondent has obtained instructions in the matter which are taken on record and a copy whereof is also supplied to the counsel for the petitioner.
4. It transpires from the instructions that after the inquiry report was submitted by the inquiry officer, the respondent proceeded to pass some order on 04.04.2022 by means of a resolution as the petitioner has not been co-operating and presenting himself and has virtually been absconding in the matter of disciplinary proceedings.
5. Be that as it may, since now the respondents are ceased with the departmental inquiry, they are directed to issue show cause notice to the petitioner within two weeks from today. Petitioner shall be appearing before the concerned respondent on or before 20th November, 2023 to receive the same and shall be submitting a reply within two weeks thereafter. The disciplinary proceedings shall be concluded within further period of four weeks by means of a reasoned and speaking order and the petitioner shall be co-operating with the same.
6. It is hereby provided that the procedure prescribed for concluding the disciplinary proceedings shall be strictly followed.
7. It is further provided that if despite co-operation of the petitioner, the disciplinary proceeding is not concluded within the time frame prescribed hereinabove, the suspension order dated 22.09.2021 shall stand revoked.
8. With the aforesaid observations and directions, this petition stands disposed of.

Order Date :- 6.11.2023

P Kesari