

Court No. - 34

Case :- WRIT - A No. - 18440 of 2023

Petitioner :- Yogendra Singh

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Brijesh Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

1. Heard Sri Brijesh Kumar Pandey, learned counsel for the petitioner as well as learned Standing Counsel.
2. Petitioner has assailed the order dated 5th October, 2023 on the ground that suspension order is not only based upon fact finding report but also is based on non intrinsic material.
3. *Per contra*, it is argued by learned Standing Counsel that serious charges of financial misappropriation to the tune of Rs.22,19,876/- has been leveled against the Gram Panchayat of which present petitioner is secretary and, therefore, matter is required to be investigated.
4. Having heard learned counsel for the parties and having perused the suspension order as well as preliminary inquiry report, I do not find there to be any good ground to interfere in the suspension order at this stage.
5. However, it is provided that the charge sheet shall be served upon the petitioner within a period of four weeks from today with due approval of the disciplinary authority and thereafter petitioner would be submitting reply within a further period of three weeks. Soon after the reply is submitted by the petitioner the oral inquiry contemplated under the inquiry rules shall be completed within a further period of one month, of course, with due cooperation of the petitioner.
6. After the inquiry report is received the disciplinary authority, as the case may be, shall proceed to conclude the disciplinary proceedings within a further period of one month. It is further provided that during the period petitioner remains under suspension, petitioner shall continuously be paid subsistence allowance.
7. While this Court declines to interfere in the matter of

suspension order at this stage, it is also provided that in the event disciplinary proceedings is not concluded as directed hereinabove, it shall remain open for the petitioner to challenge the suspension order again.

8. With the aforesaid observation, this petition stands **disposed of**.

Order Date :- 2.11.2023

IrfanUddin