

Court No. - 34

Case :- WRIT - A No. - 19121 of 2023

Petitioner :- Sunil Kumar

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

Counsel for Petitioner :- Sanjeev Kumar Pandey, Dinesh Singh Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar, J.

Heard Sri S.K.Pandey, learned counsel for the petitioner and learned Standing Counsel.

By means of present petition filed under Article 226 of the Constitution, petitioner has questioned the suspension order dated 20.10.2023 for the reason of his exercise of power vested under the U.P. Consolidation and Holdings Act, 1953 read with Consolidation Rules. However, looking to the charge no. 1, I find that the petitioner passed order changing entries on 6.4.2020 when admittedly there was a lockdown prevailing in the entire country.

Upon pointed query being made as to why the order was passed during lockdown, learned counsel for the petitioner could not give any satisfactory reply.

Learned Standing Counsel on the contrary submits that the chargesheet has already been issued to the petitioner and there are as many as three charges levelled against petitioner for different reasons. The chargesheet admittedly has been issued on 6.10.2023, which has been annexed as annexure 4 to the writ petition.

In view of above, I am not interfering with the order of suspension but at the same time, I dispose of writ petition with direction that in the event petitioner submits reply to the charge sheet within three weeks from today, the departmental enquiry shall be concluded within next thirty days and after completion of departmental enquiry, departmental proceeding shall be brought to its logical end within next two months. It is further submitted that petitioner shall be cooperating in the enquiry and shall be paid subsistence allowance during period he remains under suspension. It is further clarified that in the event despite due cooperation rendered by the petitioner, departmental enquiry/ departmental proceeding is not concluded as directed hereinabove, the order of suspension dated 20.10.2023. shall automatically stand revoked.

Order Date :- 17.11.2023/Sanjeev