

Court No. - 34

Case :- WRIT - A No. - 19986 of 2023

Petitioner :- Ashok Kumar

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

Counsel for Petitioner :- Upendra Upadhyay

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar,J.

1. Heard learned counsel for the parties.
2. Petitioner is aggrieved by the departmental proceedings initiated against him on the ground that the allegations made in the First Information Report have been made basis of the departmental enquiry and in view of the judgment of this Court in the case of ***Captain M Paul Anthony vs. Bharat Gold Mines Limited and Ors.: (1999) 3 SCC 679*** and regulation no.492 of the Police Regulations, such departmental proceedings cannot be continued.
3. Learned Standing Counsel submits that petitioner has opportunity to raise this objection before the disciplinary authority at the first instance.
4. In view of the above, this petition stands ***disposed of*** at this stage with direction that in the event petitioner moves an application to stay the departmental proceedings in the light of the judgment referred to hereinabove and the relevant regulation of the Police Regulations, the disciplinary authority shall disposed of the same as expeditiously as possible preferably within a period of 30 days and in any case before further proceeding in the disciplinary enquiry.
5. Needless to add, the order to be passed shall be reasoned and speaking one.

Order Date :- 2.12.2023

Deepika