

Court No. - 35

Case :- WRIT - A No. - 20263 of 2023

Petitioner :- Mahesh Kumar Yadav

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

Counsel for Petitioner :- Satendra Tirpathi

Counsel for Respondent :- CSC

Hon'ble Vikas Budhwar,J.

Heard Sri Satendra Tripathi, learned counsel for the petitioner as well as Sri Saurabh, the learned Standing Counsel, who appears for Respondents.

Challenge in the present writ petition is to an order dated 16.10.2023 passed by the Chief Secretary, Technical Education, Government of U.P., placing the writ petitioner under suspension, on the ground that despite being working as Lecturer (Pharmacy), in Government Polytechnic, Lakhimpur Khiri he was working as Country Manager in Cambodia.

Learned counsel for the writ petitioner submits that there are umpteen number of complaints lodged by his wife and at one stage enquiry was also conducted wherein it was opined that it is an internal family dispute between the husband and wife and in this regard, he seeks to rely upon Annexure-3 at Page-20 being a document dated 11.11.2020. There is no averment in the writ petition with regard to the fact that what was the position of the writ petitioner with respect to the period, which was shown to be in Cambodia, when he was already appointed and was entrusted duty as a Lecturer (Pharmacy) in the Government Polytechnic.

Since the nature of the allegations are such that this Court does not find it proper in the facts of the case to interfere with the suspension order. However, that does not mean that the respondents shall prolong the enquiry as obviously enquiry is to be conducted and concluded within a reasonable time.

Having heard learned counsel for the rival parties, this Court is of the opinion that the suspension order dated 16.10.2023 needs no interference. However, the respondents are directed to get the enquiry concluded within a period of two months from the date of production of certified copy of the order and the writ petitioner shall be made admissible to payment of subsistence allowance subject to the rules. The time frame so stipulated by this Court is

of course subject to the cooperation of the writ petitioner in the enquiry proceeding.

With the aforesaid observations the writ petition stands **disposed off**.

Order Date :- 15.12.2023

N.S.Rathour