

Court No. - 20

Case :- WRIT - A No. - 2889 of 2023

Petitioner :- Dhananjay Singh

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Agriculture, Civil Secrt. Lko. And 3 Others

Counsel for Petitioner :- Vikas Vikram Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties.

2. Petition has been filed challenging order dated 31.01.2023 whereby he has been placed in contemplation of departmental inquiry.

3. Earlier on 18.04.2023, the following order had been passed:-

"1. Heard Sri Vikas Vikram Singh, learned counsel appearing for the petitioner and Sri Sandeep Sharma, learned Standing Counsel appearing for the State.

2. Present petition under Article 226 of the Constitution of India has been filed impugning the order dated 31.01.2023 passed by the State Government placing the petitioner under suspension pending departmental proceedings against him.

3. Sri Vikas Vikram Singh, learned counsel appearing for the petitioner submits that the charges for which the departmental proceedings have been instituted are frivolous and not supported by any cogent and credible evidence. It is also submitted that charge-sheet has been issued and the petitioner has submitted reply. Three persons have been charge-sheeted leveling common charges and the common enquiry is being conducted against three persons. Two other persons are not cooperating with the enquiry and it may get delayed for this reason.

4. One of the delinquent officers namely, Rajendra Prasad Chaudhary has been granted protection vide order dated 17.03.2023 passed by Coordinate Bench of this court in Writ A No.3316 of 2023.

5. I have considered the submissions.

6. Suspension is not a punishment. However, enquiry is required to be concluded expeditiously as delinquent employee cannot be kept under suspension for very long time. In view thereof, I direct the respondents to conclude the disciplinary proceedings against the petitioner expeditiously preferably within a period of 3 months subject to full cooperation by the petitioner. In case two other employees are not cooperating in the disciplinary enquiry, petitioner's case may be separated and the disciplinary proceedings should get completed so far as the petitioner is concerned within a period of 3 months. If despite full cooperation by the

petitioner the disciplinary proceedings do not get concluded within a period of 3 months, the petitioner may approach this Court by moving an application in the present petition.

7. List after three months. "

4. Upon completion of time prescribed by this Court earlier, an application has again been filed in view of liberty granted.

5. Learned counsel for petitioner submits that the opposite parties are unnecessarily prolonging the inquiry proceedings despite full cooperation of petitioner. It has been submitted that since relevant documents required to corroborate charges levelled against petitioner were not provided to him, he was compelled to seek such documents although reply had already been submitted by him to the charge-sheet on 28.03.2023 itself. Learned counsel has also drawn attention to the supplementary affidavit filed on 12.12.2023 to submit that similar charges have been made against one Rajendra Prasad Chaudhary who was also posted alongwith petitioner in the said District at that relevant time and was also placed under suspension but had thereafter filed Writ A No.3316 of 2023 in which this Court vide order dated 17.03.2023 had been pleased to stay the operation of the order dated 31.03.2023 whereby the said person had been placed under suspension.

6. It is submitted that petitioner's case is quite similar to the said person whose suspension order subsequently was revoked by opposite parties themselves vide order dated 09.03.2023 although in pursuance of the interim order passed by this Court.

7. Learned State counsel placing reliance on the supplementary counter affidavit filed by opposite party has however submitted that inquiry proceedings could not be concluded within the specified time frame on account of uncooperative attitude of petitioner itself who time and again sought irrelevant documents to be provided to him. It is submitted that an application for extension of time frame by this Court has also been filed on 22.09.2023 which is yet pending consideration.

8. Upon consideration of submissions advanced by learned counsel for parties and perusal of material available on record, it is evident that earlier vide order dated 18.04.2023, time period of three months had been provided to opposite parties to conclude disciplinary proceedings against petitioner subject to his cooperation. The order also indicates the fact that similar suspension orders were also passed with regard to two other employees. The supplementary affidavit filed by State however indicates the fact that petitioner has already filed his reply to the charge-sheet on 28.03.2023 whereafter he was directed by the

office vide letter dated 26.06.2023 to provide any other evidence or clarification regarding the charge-sheet. A time of 15 days thereafter was also provided to him whereafter he sought fresh information vide letter dated 28.06.2023 which was also provided to him vide letter dated 25.07.2023 whereafter petitioner again sought certain other information.

9. Supplementary counter affidavit does not indicate any reason whatsoever as to why the inquiry could not be concluded between 28.03.2023 and 26.06.2023 even after directions issued by this Court on 18.04.2023. The supplementary counter affidavit also does not indicate as to how information sought by petitioner was irrelevant to the dispute.

10. This Court has also perused the charge-sheet pertaining to other employee namely Rajendra Prasad Chaudhary who also appears to have been suspended on similar grounds but the aforesaid suspension order was thereafter stayed by this Court as indicated hereinabove.

11. A conspectus of the aforesaid narration of facts makes it evident that stipulated time period had been directed by this Court vide order dated 18.04.2023 for conclusion of inquiry proceedings which are pending till date. No uncooperative attitude of the petitioner could be substantiated by opposite parties. It is also admitted that a similar circumstances this Court has already provided interim protection to the said Rajendra Prasad Chaudhary.

12. In view of aforesaid, the impugned order dated 31.01.2023 is hereby quashed by issuance of a writ in the nature of certiorari granting opposite parties for further period of four months to conclude disciplinary proceedings against petitioner.

13. Resultantly, petition succeeds and is **allowed**.

(Order On Application For Extension of Time)

Application for extension of time is also accordingly **allowed**.

Order Date :- 18.12.2023

Subodh/-