

Court No. - 8

Case :- WRIT - A No. - 3267 of 2023

Petitioner :- Satish Kumar Tripathi

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt. Lko. And 2 Others

Counsel for Petitioner :- S.P. Singh Somvanshi

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel appearing for the petitioner and learned Additional Chief Standing Counsel appearing for the State.

2. Present petition under Article 226 of the Constitution of India has been filed impugning the order dated 13.01.2023 passed by the District Magistrate Pratapgarh placing the petitioner under suspension pending departmental enquiry.

3. The petitioner has been placed under suspension on the allegation that he has not handed over the case files of 2000 cases to the new incumbent despite he being transferred from Tehsil Raniganj to Tehsil Lalganj. For not handing over the case files of 2000 cases, an FIR has also been registered against him.

4. This Court vide order dated 02.05.2023 directed learned Standing Counsel to seek instructions that whether the petitioner has handed over the case files as mentioned in the suspension order or not.

5. Sri Sandeep Sharma, learned Standing Counsel, on the basis of written instruction, submits that Tehsildar Raniganj in his report dated 07.05.2023 has pointed out that till the said date i.e. 07.05.2023, the petitioner has not handed over the case files of 1735 cases.

6. Learned counsel appearing for the petitioner submits that the petitioner had handed over every file to the new incumbent.

7. This is a disputed question of fact, which cannot be decided by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India. However, it is provided that the petitioner shall appear before the Tehsildar, Raniganj on 29.05.2023 and will submit a proof that he had

handed over the charge of every case files. The Tehsildar will also verify from the new incumbent whether charge has been handed over to him by the petitioner, and he has handed over all the files or not. If the Tehsildar Raniganj is satisfied that the petitioner had handed over all the case files to the new incumbent, necessary order in respect of his suspension may be passed by the District Magistrate.

8. With the aforesaid the petitions stands ***disposed of***.

(Dinesh Kumar Singh, J.)

Order Date :- 24.5.2023
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