

Court No. - 8

Case :- WRIT - A No. - 3251 of 2023

Petitioner :- Ashok Kumar Pandey

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

Counsel for Petitioner :- Aditya Vikram Singh, Tanay Chaudhary

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh, J.

1. Heard Mr. Tanay Chaudhary, learned counsel for the petitioner and Sri Jogendra Nath Verma, learned Standing Counsel.

2. The present writ petition under Article 226 of the Constitution of India has been filed impugning the order dated 31.1.2023 passed by the Divisional Commissioner, Lucknow Division, Lucknow placing the petitioner under suspension in contemplation of the departmental inquiry.

3. The petitioner was initially appointed on the posts of Junior Clerk on 30.3.1999 in the office of the Divisional Commissioner, Lucknow Division, Lucknow. The petitioner was promoted to the post of Senior Assistant and as Head Assistant. Thereafter, the petitioner was appointed as Reader in the court of Additional Commissioner (Administration) on 6.11.2019. On 14.9.2021, the petitioner was transferred from the post of Reader in the court of Additional Commissioner (Administration) and one Mr. Mohd. Shaban, Senior Assistant was posted as Reader in the court of Additional Commissioner (Administration). On 15.9.2022, Shailendra Nath Sharma, Senior Assistant was posted as Reader in the court of Additional Commissioner (Administration).

4. A revision bearing no.C-202110000001455 under Section 210 of the U.P. Revenue Code, 2006 tilted as Narendra Kumar

Vs. Land Management Committee and others is pending in the court of Additional Commissioner (Administration). An application for transfer of the said revision from the court of Additional Commissioner (Administration) was filed by one Narendra Kumar under Section 212 of the U.P. Revenue Code, 2006 before the Commissioner, Lucknow Division, Lucknow. In the said application, it was said that the Reader in the court of Additional Commissioner (Administration), Shailendra Nath Sharma and the present petitioner, who is ex-Reader, had called Narendra Kumar to the office of the Reader and said that boss had already made a dealing with opposite party in respect of the land involved for Rs.80 Lakhs and, he should also sell his land to the boss, otherwise the decision would be against him. Narendra Kumar was given threat that if he would not sell his land, the lease about the land which was executed in favour of the person from whom Narendra Kumar had purchased, would be cancelled and Narendra Kumar would not get anything. It was also said that the present petitioner and Shailendra Nath Sharma had gone to the land of Narendra Kumar on 23.1.2023 and given threats to him that once they put their feet on somebody's land, it becomes theirs. There is some audio recording of the petitioner, Shalendra Nath Shamra with Narendra Kumar in respect of the sale and purchase of the land. Considering the serious allegation against the petitioner, he has been placed under suspension.

5. Learned counsel for the petitioner submits that in the transfer application, allegations were not against the petitioner and the same were against Shailendra Nath Sharma and Ran Vijay Yadav, Additional Commissioner. He further submits that no action has been taken against the Additional Commissioner, but the petitioner and Shalendra Nath Sharma have been placed under suspension.

6. If no action has been taken against the Ran Vijay Yadav, Additional Commissioner, it would not absolve the petitioner for his misconduct. However, it would be desirable to hold preliminary inquiry in respect of the allegations made against Ran Vijay Yadav, Additional Commissioner also to find out the truth regarding allegations made in the transfer application against him. The petitioner allegedly visited the land and there is recorded version between the petitioner, Shailendra Nath Sharma with Narendra Kumar, the complainant and it is alleged that there is photograph also of going the petitioner and Shailendra Nath Sharma to the land of Narendra Kumar.

7. Sri Jogindra Nath Verma, learned Standing Counsel has submitted that the petitioner is known for his land dealings. There are several allegations against him of land grabbing.

8. Be that as it may, considering the serious allegations, for which the charge sheet has already been issued against the petitioner, this Court does not find any ground to set aside the order placing the petitioner under suspension pending departmental inquiry.

9. Thus, the writ petition being devoid of merit and sustenance, is hereby ***dismissed***.

10. However, the Government should inquire the allegations against Ran Vijay Yadav, Additional Commissioner (Administration) as mentioned in the transfer application and, thereafter, take appropriate action against him as well. The departmental inquiry should proceed with and conclude the same expeditiously, preferably, within a period of four months from today, subject to full cooperation by the petitioner.

Order Date :- 29.5.2023

Rao/-