

Court No. - 8

Case :- WRIT - A No. - 3916 of 2023

Petitioner :- Sanjaya Kumar Singh

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Panchayati Raj Deptt. U.P.
Civil Secrett. Lko. And 3 Others

Counsel for Petitioner :- Divyanshu Pratap

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 challenging the petitioner's suspension order dated 25.01.2021 which was passed by Additional Director (Administration) Panchayati Raj, U.P. pending disciplinary proceedings against him.

The petitioner has also challenged the order dated 15.03.2023 issued by Director (Administration) Panchayati Raj, U.P. whereby the enquiry officer was directed to submit analytical enquiry report before the Additional Director (Administration) Panchayati Raj, U.P.

3. Learned counsel appearing for the petitioner confines his prayer against the order of suspension dated 25.01.2021. The petitioner, who was posted as Panchayat Inspector (Industry), has been placed under suspension vide order dated 25.01.2021 pending disciplinary proceedings. Enquiry officer after concluding the enquiry has submitted the enquiry report on 16.08.2022 wherein the petitioner has been absolved/exonerated of the charges. Disciplinary authority did not agree with the conclusion arrived at by the enquiry officer vide order dated 15.03.2023 and has directed the enquiry officer to submit further report within a period of 15 days.

4. Learned counsel appearing for the petitioner submits that to the best of his knowledge further enquiry report has not been submitted by the enquiry officer.

5. Submission of the learned counsel appearing for the petitioner that once

the petitioner has been exonerated by the enquiry officer on 16.08.2022, keeping the petitioner under suspension on the ground that the disciplinary authority has directed for further enquiry report, is not a justified reason to keep the petitioner under suspension.

6. Sri Ram Pratap Singh, learned Additional Chief Standing Counsel though opposes the prayer in the petition but he is not in a position to dispute the factual aspect of the matter that as of today the petitioner stands exonerated from the charges levelled against him by the enquiry officer.

7. Suspension is not a punishment, however, it should not be resolved to keep an employee out of employment for a long period of time. If an employee is kept under suspension, efforts should be made to conclude the enquiry at the earliest subject to cooperation by the delinquent employee. Once the petitioner stands exonerated of the charges by the enquiry officer, there cannot be any justification to keep the petitioner suspended till further enquiry/further enquiry report.

8. In view thereof, I am of the view that further keeping the petitioner suspended is not justified and, therefore, impugned order dated 25.01.2021 is set aside. It is directed that the petitioner should be reinstated in service forthwith and be posted accordingly and paid salary.

9. With the aforesaid, the petition is ***allowed in part.***

(Dinesh Kumar Singh, J.)

Order Date :- 24.5.2023
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