

Court No. - 8

Case :- WRIT - A No. - 4049 of 2023

Petitioner :- Harigovind Singh

Respondent :- State Of U.P Thru. Addl. Chief Secy., Public Work Deptt., Civil Sectt. Lko. And Another

Counsel for Petitioner :- Birendra Kumar Yadav, Amit Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh, J.

1. Heard learned counsel appearing for the petitioner and Sri Sandeep Chandra, learned Additional Chief Standing Counsel appearing for the State.

2. Present petition under Article 226 of the Constitution of India has been filed seeking following reliefs:-

"(i) To issue a writ, order or direction in the nature of Mandamus commanding and directing the opposite parties to conclude the disciplinary proceedings initiated vide charge-sheet dated 26.06.2018 and pass a final order in terms of the enquiry report submitted by enquiry officer along with letter dated 14.09.2022, and thereafter allow the benefits of ACP and other service benefits from the date, juniors were given.

(ii)...

(iii)..."

3. The petitioner, who was appointed on the post of Junior Engineer in Uttar Pradesh Public Works Department on 27.11.1990, is facing disciplinary proceedings. Enquiry officer has submitted the report after concluding the enquiry on 14.09.2022, however, disciplinary authority (respondent No.2) has not taken any final decision till date.

4. Learned counsel appearing for the petitioner submits that because of the pending final decision on the departmental enquiry, the petitioner has not been promoted to the post of Assistant Engineer though he is eligible to be promoted and D.P.C. has kept the matter of

the petitioner regarding his promotion in a sealed cover.

5. Departmental proceedings ought to be completed expeditiously. The disciplinary authority cannot sit over the report of the enquiry officer for indefinite time. In the present case, enquiry officer has submitted the report on 14.09.2022, and we are at the end of May, 2023 but the disciplinary authority has not concluded the disciplinary proceedings.

6. In view thereof, respondent No.2 is directed to take final decision on the enquiry report submitted on 14.09.2022 within a period of 2 months in accordance with law.

7. With the aforesaid observation/direction, the writ petition stands **disposed of.**

(Dinesh Kumar Singh, J.)

Order Date :- 29.5.2023
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