

Court No. - 8

Case :- WRIT - A No. - 4114 of 2023

Petitioner :- Santosh Kumar Yadav Pno. No. 122460052

Respondent :- State Of U.P Thru. Addl. Chief Secy. Deptt. Of Home, Lko. And 2 Others

Counsel for Petitioner :- M.P. Raju

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel appearing for the petitioner and Ms. Deepshikha, learned Chief Standing Counsel appearing for the State.
2. Present petition under Article 226 of the Constitution of India has been filed seeking following reliefs:-

"Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 08.10.2022 passed by the opposite party No.2 as contained in annexure no.1 to the writ petition.

(ii) Issue a writ, order or direction in the nature of mandamus commanding the opposite parties to reinstate the petitioner in service from the date he has been placed under suspension with all consequential service benefits.

(iii)..."

3. The petitioner was initially appointed on the post of Follower, a Class IV post, in the Department of Home on 11.01.2012. He has been sent to Reserve Policeline at Lucknow. The petitioner has been placed under suspension vide order dated 08.10.2022 in contemplation of the departmental proceedings against him. Preliminary enquiry has already been conducted. The petitioner is an accused in FIR No.0331 of 2022 registered against him under Sections 354A, 354D IPC, Police Station Hazratganj, Lucknow Commissionerate.

4. Allegation against the petitioner in the FIR is that the complainant would go to drop her 6 years' old daughter in Cathedral School at Hazratganj. The accused-applicant would stalk and would touch her inappropriately. Looking at the conduct of the petitioner, he has been placed under suspension vide impugned order.

5. There is no ground to interfere with the impugned order. The petitioner has been found *prima facie* guilty for misconduct in the preliminary enquiry. However, it would be appropriate to direct the respondents to conclude the enquiry, therefore, the respondents are directed to conclude the preliminary enquiry expeditiously preferably within a period of 4 months subject to full cooperation by the accused-applicant.

6. Disposed of.

(Dinesh Kumar Singh, J.)

Order Date :- 30.5.2023
prateek