

Court No. - 8

Case :- WRIT - A No. - 4746 of 2023

Petitioner :- Daya Shanker Sharma

Respondent :- State Of U.P. Thru. Prin.Secy. Home Lko. And 4 Others

Counsel for Petitioner :- Dinesh Chandra Tewari

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel appearing for the accused-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 seeking quashing of the order dated 15.10.2022, whereby the petitioner has been placed under suspension on the ground that FIR No.441 of 2016 got registered against the petitioner under Sections 147, 323, 504 IPC.
3. Charge-sheet came to be filed in the aforesaid FIR under Sections 147, 323, 325, 308, 504 IPC which entail punishment up to 7 years and the trial Court has taken cognizance. The petitioner did not disclose lodging of the FIR and the charge-sheet against him.
4. The Government Order dated 22.10.2020 specifically provides that if an FIR is filed against a Home Guard and, thereafter, charge-sheet is submitted for the offence(s) which entail(s) punishment up to 7 years, such a Home Guard may be placed under suspension.
5. In the facts of the present case, after lodging of the FIR, charge-sheet has been filed for the offence which entails punishment up to 7 years, therefore, the petitioner has been placed under suspension in pursuance of the Government order dated 22.10.2020.
6. I do not find any ground to interfere with the impugned order dated 15.10.2022. The petition being devoid of merit and substance is hereby ***dismissed.***

(Dinesh Kumar Singh, J.)

Order Date :- 4.7.2023

prateek