

Court No. - 7

Case :- WRIT - A No. - 6963 of 2022

Petitioner :- Ashish Saini

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Cane Development And Sugar Indust. Deptt. Lko. And 5 Others

Counsel for Petitioner :- Ashwani Kumar, Abhishek Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Abdul Moin, J.

1. Heard Shri Ashwani Kumar, learned counsel appearing for the petitioner and Shri Vivek Shukla, learned Additional Chief Standing Counsel appearing for all the respondents.
2. With the consent of learned counsel appearing for the contesting parties, the writ petition is being finally decided.
3. Learned counsel for the petitioner, at the very outset, states that though he has challenged the order of suspension dated 20.09.2022 and order of attachment dated 11.02.2022 but considering that the respondents have subsequently issued the chargesheet dated 25.05.2023 he prays that the inquiry proceedings be finalised within specified time.
4. He further submits that through his application dated 29.06.2023 the petitioner has requested certain documents from the respondents which have not been made available to the petitioner till date and prays that the said documents be also made available to him.
5. Learned counsel for the petitioner also contends that the respondents are not paying subsistence allowance to the petitioner.
6. Responding to that, Shri Vivek Shukla, learned Additional Chief Standing Counsel appearing for all the respondents states that the application of the petitioner for demand of documents dated 29.06.2023 would be examined and in case the justification as has been given by the petitioner as to why he requires the said documents is found reasonable then the said documents would be made available to the petitioner within two weeks from today. However, in case the justification of supply of certain documents is not found reasonable then the reasons as to why the said documents are not given to the petitioner would also be indicated within the aforesaid period.
7. The aforesaid statement is recorded.
8. Considering that the respondents have already issued a

chargesheet to the petitioner dated 25.05.2023, as such the writ petition is **disposed of** with a direction to the competent authority to finalise the disciplinary proceedings against the petitioner in accordance with law and relevant rules and conclude the inquiry after giving due opportunity of hearing to the petitioner in accordance of law within a period of four months from the date of receipt of certified copy of this order.

9. Needless to mention that the petitioner shall cooperate with the inquiry proceedings. In case of non-cooperation, letter shall be issued by the inquiry officer indicating non-cooperation of the petitioner and the number of days on which the petitioner does not cooperate shall be excluded from the aforesaid time period.

10. As regards non-payment of subsistence allowance, there cannot be occasion for not paying subsistence allowance to the petitioner, as such it is provided that the subsistence allowance if not paid to the petitioner, shall be paid to the petitioner within a period of four weeks from today provided there is no legal impediment.

Order Date :- 30.10.2023

J.K. Dinkar