

Court No. - 7

Case :- WRIT - A No. - 7369 of 2023

Petitioner :- Mr. Pankaj

Respondent :- State Of U.P. Thru. Prin.Secy. Deptt. Of Urban Development And 5 Others

Counsel for Petitioner :- Radhakrishna Ojha

Counsel for Respondent :- C.S.C., Namit Sharma

Hon'ble Abdul Moin, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for respondents no.1 and 2 and Sri Neerav Chitravanshi, learned counsel, who files Vakalatnama on behalf of respondents no.3 to 6, which is taken on record.
2. With the consent of learned counsel for the parties, the writ petition is being finally decided.
3. Under challenge is the suspension order dated 16.06.2022, a copy of which is Annexure-1 to the writ petition.
4. The sole ground raised to challenge the suspension order is that despite lapse of almost 16 months from the date of suspension neither the respondents have served any charge sheet on the petitioner nor have proceeded further in any manner and thus there cannot be any prolonged suspension.
5. In this regard, reliance has been placed on the judgment of this Court in the case of **Chaman Singh vs. State of U.P. and others** passed in Writ Petition No.16606 (SS) of 2020 decided on 03.02.2021.
6. On the other hand, Sri Neerav Chitravanshi, learned counsel for respondents no.3 to 6, states that he does not have any instructions as to why the charge sheet has still not been served on the petitioner.
7. Keeping in view the aforesaid facts as well as the judgment of this Court in the case of **Chaman Singh (supra)** wherein this Court has held that statutory power conferred upon the disciplinary authority to keep an employee under suspension during contemplated or pending disciplinary enquiry cannot thus be interpreted in a manner so as to confer an arbitrary, unguided an absolute power to keep an employee under suspension without enquiry for unlimited period, the writ

petition is allowed. The order of suspension dated 16.06.2022, a copy of which is Annexure-1 to the writ petition, is quashed.

8. However, it would be open for the respondents to proceed against the petitioner in the departmental proceedings, if required.

Order Date :- 10.10.2023

A. Katiyar