

Court No. - 8

Case :- WRIT - A No. - 8019 of 2023

Petitioner :- Jaiveer Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Housing And Urban Planning, U.P. Lucknow And Another

Counsel for Petitioner :- Raj Priya Srivastava, Hemendra Pratap

Counsel for Respondent :- C.S.C., Ratnesh Chandra

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the petitioner and Sri P.K. Singh, learned Additional Chief Standing Counsel and Sri Ratnesh Chandra, learned Counsel appearing on behalf of the respondent no.2.
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 11.09.2022, a copy of which is Annexure-1 to the writ petition.
4. The contention of learned counsel for the petitioner is that despite a period of 13 months having lapsed the respondents have failed to complete the departmental proceedings and there cannot be any occasion for the respondents to continue the petitioner under suspension.
5. On the other hand, learned Additional Chief Standing Counsel, states that as the petitioner is not cooperating in the inquiry as such the inquiry proceedings could not be concluded.
6. It is not understood that in case the petitioner is not cooperating in the inquiry as to why the respondents have not proceeded ex-parte.
7. However, considering that the charge sheet has already been issued to the petitioner on 14.12.2022 to which the petitioner claims to have submitted his reply on 11.04.2023 the instant writ petition is disposed of with a direction to the respondents to complete the inquiry against the petitioner within a period of six weeks from today.
8. Needless to mention that the petitioner shall cooperate with the inquiry proceedings and he shall also be given due

opportunity of hearing in the said inquiry proceedings. In case the petitioner does not cooperate, the Inquiry Officer would be at liberty to inform the petitioner in writing about his non-cooperation and the period of non-cooperation would be excluded from the aforesaid period.

9. It is also provided that in case the disciplinary proceedings are not concluded and a final order is not passed within aforesaid period then the impugned suspension order dated 11.09.2022 shall stand revoked automatically without prejudice to the respondents of continuing with the inquiry proceedings.

10. The Counsel for the petitioner argues that the petitioner is not being paid the subsistence allowance in accordance with the rules.

11. In view of the statement, it is directed that the respondents shall pass an order with regard to the claim of the petitioner for subsistence allowance within a period of four weeks from the date of production of certified copy of this order.

12. With the aforesaid directions, the writ petition is finally ***disposed off.***

Order Date :- 16.10.2023
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