

Court No. - 20

Case :- WRIT - A No. - 8462 of 2023

Petitioner :- Manoj Kumar Verma

Respondent :- State Of U.P. Thru. Prin. Secy., Dep'tt. Of Rural Development, Lucknow And Others

Counsel for Petitioner :- Shrawan Kumar Verma

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties.
2. Petition has been filed challenging order dated 21.09.2023 so far as it relates to continuation of disciplinary proceedings against petitioner.
3. It has been submitted that earlier petitioner had filed Writ A No.2812 of 2023 challenging the suspension order dated 27.03.2023. This Court vide order dated 12.04.2023 while not finding any illegality in the impugned order directed opposite party to complete inquiry expeditiously in accordance with law preferably within a period of four months from the date of passing of order subject to full cooperation by petitioner in the departmental proceedings. Liberty was granted to petitioner to approach this Court again in case departmental proceedings did not conclude within a period of four months. It is in pursuance of such directions that the present petition has been filed.
4. It has been submitted that despite full cooperation being extended by petitioner in the inquiry proceedings, they have not yet completed within the aforesaid time frame nor have the opposite parties sought any extension of the limitation period for concluding the inquiry and therefore the impugned order dated 21.09.2023 is against directions passed by this Court.
5. Learned State counsel has however refuted submissions advanced by learned counsel for petitioner with the submission that there was no specific time frame indicated in the order dated 12.04.2023, which even otherwise was subject to full cooperation of petitioner in the proceedings but as has been indicated in the impugned order itself that petitioner has not cooperated in the proceedings due to which he cannot be granted benefit of earlier order passed by this Court.
6. Upon consideration of submissions advanced by learned counsel for parties and perusal of material available on record, it is evident that vide order dated 12.04.2023, the opposite

parties were directed to conclude the inquiry proceedings preferably within a period of four months subject to full cooperation by petitioner. It is quite evident that a desire had been expressed by this Court for earlier conclusion of proceedings. The period of four months indicated was not such a strict line which could clearly be evident from the fact that the inquiry were required to be concluded within the aforesaid time frame with the wordings 'preferably'.

7. The impugned order dated 21.09.2023 also states that petitioner has not extended full cooperation in the inquiry proceedings.

8. In view of aforesaid, there is no occasion to interfere with the impugned order. However since a desire had been expressed by this Court vide order dated 12.04.2023 for expeditious conclusion of the inquiry proceedings which have not yet been complied till date, opposite parties are directed to conclude the departmental proceedings against petitioner within a period of next two months from the date a certified copy of this order is produced before the inquiry officer subject to full cooperation by the petitioner in inquiry proceedings.

9. With the aforesaid directions, petition stands **disposed of**.

Order Date :- 1.11.2023

Subodh/-