

Court No. - 7

Case :- WRIT - A No. - 8715 of 2023

Petitioner :- Prabodh Singh

Respondent :- State Of U.P. Thru. Addl. Chief Secy./Prin. Secy. Deptt. Of It And Electronics Lko. And 2 Others

Counsel for Petitioner :- Shivanshu Goswami, Annuj Taandon

Counsel for Respondent :- C.S.C., Ajit Singh

Hon'ble Abdul Moin, J.

Heard learned counsel for the petitioner, learned Standing counsel appearing on behalf of the State-respondents and Sri Ajit Singh, learned counsel for the respondents no. 2 & 3.

With the consent of learned counsel appearing on behalf of the contesting parties, the instant writ petition is being finally decided.

Under challenge is the suspension order dated 28.12.2022, a copy of which is annexure 1 to the writ petition.

The contention of learned counsel for the petitioner is that on account of an FIR being lodged against the petitioner, the petitioner was arrested on 16.11.2022 and has been released from jail on 01.05.2023.

The respondents vide order impugned dated 28.12.2022 placed the petitioner under suspension on account of he having been incarcerated in the jail.

The contention is that after the petitioner was released, he preferred an application for being reinstated in service but no final order has been passed on the same and it is contended that there cannot be a case of continued suspension of the petitioner as is sought to be done by the respondents in the instant case.

On the other hand, Sri Ajit Singh, learned counsel appearing on behalf of the respondents no. 2 & 3 states that after the petitioner was released from jail, he preferred an application for revocation of the suspension which has been considered by the Board who vide order dated 19.10.2023 has taken a decision of continuing with the suspension of the petitioner. He submits that an order in this regard would be communicated to the petitioner within a week from today.

Considering that the respondents have already taken a decision of continuing with the suspension order of the petitioner and the said order has not been challenged by the petitioner consequently, instant writ petition is **disposed of** leaving it open to the respondents to communicate the decision of the board to the petitioner within a week from today. In case, the petitioner is aggrieved by the said decision, it would be open for him to challenge the said order before the appropriate Court in appropriate proceedings.

Order Date :- 7.11.2023/Pachhere/-