

Court No. - 1

Case :- SPECIAL APPEAL No. - 526 of 2023

Appellant :- Sushil Kumar

Respondent :- State Of U.P. Thru. Adll. Chief Secy. Home Deptt. Civil Sectt. Lko. And Others

Counsel for Appellant :- Sheshnath Bhardwaj Advoc

Counsel for Respondent :- C.S.C.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Heard learned counsel for the parties.
2. This intra-court appeal filed under Chapter VIII Rule V of Allahabad High Court Rules, 1952 has arisen out of judgement/order dated 09.11.2023 passed in Writ-A No.8825 of 2023.
3. On a perusal of the judgement impugned here in this special appeal, it is clear that the disciplinary proceedings were bound to be concluded within the time period as stipulated in the earlier judgement dated 21.07.2023. The appellant seems to have made a repeated attempt to challenge the show cause notice prematurely. A show cause notice on the basis of inquiry held, if any, would not constitute a cause unless a final decision is arrived at by the competent authority, therefore, in the circumstances of the case, we leave all the legal and factual pleas open to the appellant so that the departmental proceedings are brought to its logical conclusion in terms of the order already passed.
4. In case, the appellant has not filed any reply in response to the show cause notice so far, he is permitted to file the same within a period of 15 days from today. To this extent the order passed by the writ court stands modified.
5. The appeal is accordingly disposed of.

Order Date :- 21.11.2023

Shahnaz