

Court No. - 20

Case :- WRIT - A No. - 9068 of 2023

Petitioner :- Vinay Kumar Saroj

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Home, Govt. U.P. Lucknow And 4 Others

Counsel for Petitioner :- Raj Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.

2. Petition has been filed challenging order dated 25.05.2023 whereby petitioner has been placed under suspension in contemplation of departmental proceedings.

3. On 24.11.2023, the following order had been passed:-

"1. Heard learned counsel for petitioner and learned State Counsel appearing on behalf of opposite parties.

2. Petition has been filed challenging order dated 25.05.2023 whereby petitioner has been placed under suspension pending departmental inquiry.

3. It has been submitted that impugned order has been passed under Rule 17 (1)(a) of U.P. Police Officer of the Subordinate Ranks (Punishment and Appeal) Rules, 1991 which contemplates suspension only in contemplation of departmental inquiry. It is submitted that although impugned orders states that departmental inquiry is contemplated but till date no charge-sheet has been received by petitioner.

4. He is also placed reliance on judgment rendered by Hon'ble the Supreme Court in the case of Ajay Kumar Chaudhary versus Union of India reported in MANU/SC/0161/2015.

5. With regard to aforesaid submissions, learned State counsel is granted four days' time to seek instructions in this matter as to whether any charge-sheet has been issued to petitioner.

6. List this case on 29.11.2023, as fresh."

4. In pursuance thereof, learned State Counsel has been provided written instructions as per which charge sheet dated 21.11.2023 has already been issued to petitioner, the receipt of which is admitted by learned counsel for petitioner. Learned State counsel further submits that a bare perusal of the allegations and charges levelled against petitioner indicates the seriousness thereof, which may entail a major punishment as well and therefore there is no occasion to interfere in the impugned order.

5. Considering aforesaid facts and circumstances and particularly the fact that a charge sheet has now been prepared and received by petitioner, the opposite parties are granted four months' time to conclude the enquiry against petitioner commencing from the last date on which petitioner is required to submit his reply. The aforesaid time frame is subject to cooperation by petition in the enquiry proceedings.

6. With aforesaid directions, the petition is finally disposed of.

Order Date :- 18.12.2023

kvg/-