

**Court No. - 9**

**Case :-** WRIT - A No. - 9213 of 2023

**Petitioner :-** Devid

**Respondent :-** State Of U.P. Thru. Prin. Secy. Deptt. Of Urban Development Lko. And 4 Others

**Counsel for Petitioner :-** Subodh Kumar Verma

**Counsel for Respondent :-** C.S.C.,Ravi Singh

**Hon'ble Rajan Roy,J.**

Heard.

The parties are ad-idem that U.P. Government Servant (Disciplinary and Appeal) Rules, 1999 are applicable to the employees of Nagar Nigam, Ayodhya also so are the provisions of fundamental rules. On a bare reading of the impugned order, it appears that some disciplinary proceedings were initiated against the petitioner, inquiry was conducted and an inquiry report was submitted. Based on the inquiry report, the Additional Municipal Commissioner, Nagar Nigam, Ayodhya taking a sympathetic view has reinstated the petitioner with the observation that in future repetition of such conduct would entail serious consequences. The contention is that no punishment having been imposed upon the petitioner and even otherwise, the disciplinary authority is under an obligation to take a decision with regard to the period of suspension of the petitioner and the salary & allowances payable in this regard which has not been done.

On being confronted, Sri Ravi Singh, learned counsel for the contesting opposite parties fairly submitted that decision should also have been taken with regard to the suspension period of the petitioner and salary & allowance of the petitioner, if any, payable in this regard.

Let opposite party no.3 who is the disciplinary authority take a decision in this regard positively within one month and communicate it to the petitioner. If the period of suspension is to be treated as continuous service and the petitioner is held entitled to full salary for the said period then the pecuniary benefits flowing from such decision shall also be paid to the petitioner within two weeks of such decision. However, if the situation is otherwise then the matter shall rest as per law.

With these observations/ direction, the writ petition is **disposed of**.

**(Rajan Roy,J.)**

**Order Date :-** 4.12.2023

Shanu/-