

Court No. - 20

Case :- WRIT - A No. - 9617 of 2023

Petitioner :- Pradeep Kumar

Respondent :- State Of U.P. Thru. Prin Secy. Transport Civil Sectt. Lko And 3 Others

Counsel for Petitioner :- Rishi Raj, Vinay 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 24.08.2023 whereby petitioner has been suspended from service pending departmental proceedings.
3. From a perusal of impugned order, it appears that allegation has been levelled against petitioner being the Assistant Regional Transport Officer and at his instance, three constables were engaged in the process of checking vehicles and demanding illegal gratification. The charge appears to be quite serious in nature which may entail major penalty and therefore impugned order would come within the scope of Rule 4 of the U.P. Government Servant (Discipline and Appeal) Rules, 1999.
4. Learned counsel for petitioner however has placed reliance on judgment rendered by Hon'ble Supreme Court in the case of **Ajay Kumar Chaudhary versus Union of India Through his Secretary and others (2015) 7 SCC 291** to submit that despite passing of about three months, even charge sheet has not been supplied to petitioner and he is being continued under suspension which amounts to harassment.
5. Learned State Counsel has not been provided any instructions as of now.
6. Considering submissions advanced by learned counsel for petitioner and from perusal of material on record, it is directed that in case charge sheet has not been provided to petitioner till date, the same shall be provided within a period of 15 days from the date a certified copy of this order is produced before the concerned authority. Upon charge sheet being received, petitioner shall be granted 15 days' time to file a response thereto. Opposite parties are directed to conclude inquiry

proceedings within a period of four months from the last date when petitioner is required to submit his reply to the charge sheet.

7. In view of narration of allegations as made in the suspension order dated 24.08.2023 it shall automatically stand revoked upon expiry of time period stipulated for completion of enquiry in case final orders are not passed within such time. Opposite parties are also directed to ensure payment of subsistence allowance to petitioner including arrears within a period of 15 days from the date a certified copy of this order is produced before the concerned authority.

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

Order Date :- 16.12.2023

Satish