

Court No. - 20

Case :- WRIT - A No. - 9649 of 2023

Petitioner :- Nepal Ram

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Horticulture Food Processing Govt. Lko And 2 Others

Counsel for Petitioner :- Mohd. Ateeq Khan

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 seeking a direction to opposite parties for payment of salary for the period petitioner was placed under suspension from 20.06.2022 till 09.08.2023. Further prayer for a direction to concerned authority to conclude departmental proceedings within stipulated time period has also been sought.
3. It has been submitted that earlier petitioner had filed Writ-A No. 3489 of 2023 challenging the suspension order dated 15.06.2022. The said petition was allowed by means of judgment and order dated 12.05.2023 quashing the suspension order on the ground that suspension cannot be resorted to where charges are not grave or indicate financial implication. It is submitted that in pursuance thereof, petitioner was reinstated in service vide order dated 09.08.2023 but without any specific directions regarding payment of salary for the period of suspension.
4. It is also submitted that petitioner was issued a charge-sheet dated 16.08.2022 which was replied to vide letter dated 30.09.2022 but despite directions of this Court in the earlier petition, proceedings are still pending consideration for which time frame is required to be stipulated since petitioner is due for superannuation in the next year.
5. Learned State Counsel has however not been provided any instructions in this matter but submits that in case petitioner has submitted a reply to the charge sheet enquiry may be expedited.
6. Considering submissions advanced by learned counsel for parties and perusal of material on record, it is evident that an order whereby petitioner was placed under suspension earlier in pursuance of the charge sheet has already been quashed by this

Court as indicated hereinabove. In pursuance of directions issued by this Court petitioner has also been reinstated in service vide order dated 09.08.2023. Since the earlier suspension order had been quashed by judgment rendered by this Court, petitioner would naturally be required to be paid salary for the period of suspension even there is no such specific direction in this matter.

7. In view of aforesaid, the opposite parties are directed to make payment of arrears of salary due to petitioner along with emoluments for the period of suspension. Such payment shall be made to petitioner within a period of four weeks from the date a certified copy of this order is produced before the concerned authority.

8. It also appears from the record that charge sheet dated 16.08.2022 had been issued to petitioner and despite passing of more than one year, proceedings are still under consideration without any final order having been passed.

9. In view of aforesaid, the opposite parties are also directed to conclude the inquiry proceedings within a period of four months from the date a certified copy of this order is produced before the concerned authority. The aforesaid time frame shall be subject to co-operation by petitioner in the inquiry proceedings.

10. With aforesaid directions, the petition succeeds and is **allowed** at the admission stage itself. Parties to bear their own cost.

Order Date :- 18.12.2023

Satish