

Court No. - 6

Case :- WRIT - A No. - 12307 of 2024

Petitioner :- Ravi Kumar Singh

Respondent :- Registrar General, Honble Allahabad High Court, Allahabad And 2 Others

Counsel for Petitioner :- Ram Prakash Singh

Counsel for Respondent :- Gaurav Mehrotra

Hon'ble Alok Mathur,J.

1. Heard Shri Ram Prakash Singh, learned counsel for petitioner, Shri Vijay Dixit, learned counsel for respondent no. 1 & 2 and perused the material available on record.

2. It has been submitted by learned counsel for petitioner that on the date of incident i.e., 29.03.2022, the petitioner was working as Chief Administrative Officer, District Court, Gonda. On the said date, when respondent no. 3 come at around 10:15 a.m. and requested him to give a permanent staff in Computer Section of the District Courts. Certain altercation and unparliamentary words were exchanged between them, which led to the petitioner filing a complaint against respondent no. 3. When the matter was brought to the notice of the District Judge, a preliminary inquiry was ordered. During the preliminary inquiry the evidence adduced by either parties was duly considered and prima facie, it was found that respondent no. 3 had misbehaved with the petitioner and used unparliamentary language and consequently, inquiry proceedings were initiated under the relevant service rules. The charges were framed against respondent no. 3 and inquiry officer was also appointed. The inquiry was concluded after giving opportunity to all the parties and by means of impugned order dated 21.10.2024, respondent no. 3 was not found guilty of the said charges.

While considering the rival contentions, the disciplinary authority i.e. the District Judge Gonda has duly looked to all the evidence and also the audio recording submitted in support of his allegations. It was found that respondent no. 3 was requesting the petitioner for being allotted a permanent staff in the Computer Section but the conversation took a serious note and both the parties started shouting each other and he concluded that merely because of the fact that both the sides had started shouting on each other does not constitute misconduct as defined under Section 3 of the U.P. Government Servant Conduct Rules, 1956 and otherwise there is no sufficient material available on record to conclude that respondent no. 3 has misconducted himself against the petitioner.

3. It is in the backdrop of the aforesaid facts, the disciplinary authority had not other option but to exonerate the respondent no. 3 from the charges levelled against him.

4. Learned counsel for petitioner while assailing the impugned order has submitted that the District Judge, Gonda has not appreciated the conversation as recorded and submitted during the inquiry. He has further considered the fact that there is previously existing rivalry between the petitioner and respondent no. 3, which is nothing to do with the incident, which was reported by the petitioner.

5. From the material available on record, this Court is of the considered view that the District Judge, Gonda has considered all the material available before him and has examined the audio recording as well as the submission of either parties and concluded that no misconduct is made out by respondent no. 3.

6. The judicial review in such a matter at the behest of the complainant is limited to the decision making process in this

regard that the District Judge has given proper opportunity of hearing to all the parties and also considered the material which was available before him. Accordingly, this Court does not find any infirmity in the impugned order dated 21.10.2024 passed in the District Judge, Gonda.

7. The petition is bereft of merits and is accordingly dismissed.

(Alok Mathur, J.)

Order Date :- 18.12.2024

Virendra