2026:AHC:212762

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 12736 of 2026

Vikas Divakar

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shivoham Mishra
Counsel for Respondent(s)	:	Alok Mishra, C.S.C.

Court No. - 32

HON'BLE DINESH PATHAK, J.

1. The petitioner has challenged the order dated 08.07.2026, whereby he has been placed under suspension.

2. While entertaining the instant writ petition, this Court passed the following order dated 19.08.2026:

> *"1. The petitioner is aggrieved by the order dated 08.07.2026 (Annexure-9), whereby he has been placed under suspension.*
>
> *2. Learned counsel for the petitioner has advanced two fold submissions. Firstly, he submits that despite the reply dated 06.07.2026 (Annexure-8) filed by the petitioner to the notice dated 30.06.2026, the same was not considered by the disciplinary authority and recorded a perverse finding that the petitioner has not submitted reply to the notice dated 30.06.2026. Secondly, it is submitted that the suspension order has been passed without any specific finding that in the event the allegation leveled against the petitioner is established, he may ordinarily be excepted to warrant his dismissal, removal or reduction in rank, or continuance of the petitioner in his office is likely to harm or prejudice the course of enquiry, as required under Rule 28 of the U.P. Nagar Mahapalika Sewa Niyamavali, 1962.*
>
> *3. Shri Alok Mishra, learned counsel appearing on behalf of respondents no.2 & 3 prays for and is granted a week's time to obtain instructions from the authority concerned with regard to the submissions advanced by learned counsel for the petitioner. He shall also clarify as to when memo of charges has been served upon the petitioner, pursuant to the suspension order dated 08.07.2026.*
>
> *4. Put up this matter again as fresh on 31.08.2026."*

3. Despite the time granted to the learned counsel for respondent Nos. 2 and 3, till date no reply/copy of the instructions has been filed on behalf of the respondents.

4. Having considered the submissions advanced by the learned counsel for the petitioner and upon perusal of the record, particularly the provisions enunciated under Rule 20 of the U.P. Nagar Mahapalika Sewa Niyamawali, 1962, this Court deems it appropriate to finally dispose of the present writ petition, without expressing any opinion on merits of the case, with the following directions:

(i) The petitioner shall file his detailed reply/defence to the memorandum of charges served upon him within a period of 20 days from today.

(ii) Upon receipt of the reply submitted by the petitioner, the disciplinary authority shall make every endeavour to conclude the disciplinary proceedings within a period of **six months** thereafter, after affording the petitioner due and proper opportunity of hearing.

(iii) The petitioner shall extend full co-operation in the disciplinary proceedings and shall not seek any unnecessary adjournment. In the event of any delay not attributed to the petitioner, the disciplinary authority shall ensure that the proceedings are concluded within the aforesaid period.

(iv) Till a final decision is taken by the disciplinary authority, the effect and operation of the impugned order dated 08.07.2026, whereby the petitioner has been placed under suspension, shall be kept in abeyance.

(v) It is, however, clarified that, if considered necessary, the competent authority shall be at liberty to transfer the petitioner to any other place within the jurisdiction of the Kanpur Nagar Nigam or to any nearby district or to the headquarter of the Kanpur Nagar Nigam, during the pendency of the disciplinary proceedings.

5. With the aforesaid directions and observations, present writ petition stands **disposed of.**

October 9, 2026
vinay

(Dinesh Pathak,J.)

Digitally signed by :-
VINAY KUMAR
High Court of Judicature at Allahabad