2026:AHC:227508

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 12902 of 2026

Hans Raj

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Punit Khare, Shard Singh
Counsel for Respondent(s)	:	C.S.C., Pranjal Mehrotra

Court No. - 32

HON'BLE DINESH PATHAK, J.

1. Heard learned counsel for the parties.

2. The instant writ petition has been filed challenging the order dated 27.04.2026 (Annexure-1) whereby the petitioner has been placed under suspension.

3. While entertaining the instant writ petition, this Court passed the following order dated September 14, 2026:-

> *"1. The petitioner is aggrieved by the order dated 27.04.2026, whereby he has been placed under suspension.*
>
> *2. Learned counsel for the petitioner has advanced solitary submission that the petitioner has been suspended under Para 703 of the Nigam Working Manual; however, no finding has been recorded by the disciplinary authority that the allegations levelled against the petitioner are so serious and that in the event same are established they may ordinarily warrant the dismissal of the petitioner.*
>
> *3. Learned counsel appearing on behalf of the contesting respondents no.2 to 4 prays for and is granted two weeks' time to obtain instructions from the authorities concerned.*
>
> *4. Put up this matter again as fresh on 30.09.2026."*

4. Pursuant to the aforesaid order dated September 14, 2026, learned

counsel appearing for the contesting respondent nos. 2 to 4 has filed a copy of instructions, today before the Court, which is taken on record. Learned counsel for the contesting respondents, on the basis of the instructions received, does not furnish satisfactorily reply to the query made by this Court in its order dated September 14, 2026. For ready reference, paragraph no. 703 of Chapter XXV (Punishment, Appeal, and Integrity) of the Nigam Working Manual is quoted herein under:-

> *"Para 703 Suspension Pending Enquiry*
>
> *(b) The Appointing Authority may, at his discretion place an employee under suspension against whose conduct, an enquiry is contemplated or is proceeding. The delegation of this power of suspension by the Appointing Authority can be made to the next lower authority. In such cases of temporary employees as defined in para 699 above, it is better to dispense with services of such a defaulter, after observing due formalities, rather than suspend him/her.*
>
> *(c) Hasty suspension of any employee is undesirable as it may lead to unnecessary loss to Nigam if the employee is not found guilty, and has to be paid full pay of suspension period. As such, as a rule, suspension should not be resorted to unless the allegations against the employee are So serious that, in the event of their being established, they may ordinarily be expected to warrant his dismissal, removal or reduction in rank. Suspension, where deemed necessary, should as far as possible, immediately precede the framing of charges and their communication to the employee charged.*
>
> *(d) Where, in case of an employee placed under suspension, as provided hereinbefore, the inquiry into his conduct results in his dismissal or removal from service, the order of dismissal or removal shall take effect from the date on which the suspension had come into effect."*

5. A perusal of the provisions initiated under paragraph 703 (c) of the Nigam Working Manual, it is evident that suspension order should not be

passed in a hasty manner and it should ordinarily be resorted to only where the allegations leveled against an employee are so serious that in the event of their being established, they may ordinarily be expected to warrant his dismissal, removal or reduction in rank. However, in the present matter, the competent authority has not made any observation with regard to the seriousness of the allegations leveled against the petitioner. In the light of the provisions initiated under para 703 of Nigam Working Manual, it is admitted to the learned counsel for the contesting respondents that charge sheet has not yet been served upon the petitioner.

6. Learned counsel appearing for the contesting respondents has sought to justify the impugned order of suspension by referring to the grounds on which the petitioner has been placed under suspension. In this regard, I am of the considered view that justification for placing the petitioner under suspension, having regard to the relevant facts and circumstances of the case, can be more appropriately examined by the competent enquiry/disciplinary authority. It would, therefore, be appropriate to have the aforesaid aspect to be examined by the competent enquiry/disciplinary authority in accordance with the applicable provisions of the Nigam Working Manual.

7. In view of the facts and circumstances mentioned above, no useful purpose would be served by keeping the instant writ petition pending. Accordingly, without expressing any opinion on the merits of the case, this Court deems it appropriate to finally dispose of the instant writ petition with the following directions :-

(i) The charge-sheet shall be served upon the petitioner within a period of three weeks from today, as assured by learned counsel appearing for the contesting respondents. The charge-sheet shall be accompanied by the relevant documents and the list of witnesses proposed to be relied upon in support of the charges.

(ii) The petitioner shall file his detailed reply to the charge sheet served upon him along with his defence and supporting documents within a period of 20 days from the date of receipt thereof.

(iii) Upon receipt of the reply submitted by the petitioner, the disciplinary

authority shall make every endeavour to conclude the disciplinary proceedings, in accordance with law, within a period of four months thereafter, after affording the petitioner due and proper opportunity of hearing.

(iv) Till a final decision is taken by the disciplinary authority, the effect and operation of the impugned order dated 27.04.2026, whereby the petitioner has been placed under suspension, shall be kept in abeyance.

(v) 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.

(vi) It is, however, clarified that, if considered necessary, the competent authority shall remain at liberty to transfer the petitioner to any other nearby district or at the headquarters, during the pendency of the disciplinary proceedings.

8. With the aforesaid observations/directions, instant writ petition stands **disposed of**.

(Dinesh Pathak,J.)

November 2, 2026
Nisha

Digitally signed by :-
nisha kumari
High Court of Judicature at Allahabad