2026:AHC:208489

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - A No. - 13734 of 2026**

Anil Kumar

.....Petitioner(s)

Versus

State Of Up And 3 Others

.....Respondent(s)

| | | |
|---|---|---|
| Counsel for Petitioner(s) | : | Abhimanyu Singh Chauhan, Chandan Sharma |
| Counsel for Respondent(s) | : | C.S.C., Sushil Kumar Srivastava |

**Court No. - 32**

**HON'BLE DINESH PATHAK, J.**

1. Supplementary affidavit, filed today before the Court, is taken on record. Office is directed to proceed accordingly.

2. Heard Shri C.B. Yadav, learned Senior Counsel, assisted by Shri Akshay Pratap, learned Advocate, holding brief of Shri Chandan Sharma, learned counsel appearing for the petitioner; learned Standing Counsel appearing on behalf of respondent no.1, and Shri Sushil Kumar Srivastava, learned counsel appearing on behalf of respondents no.2 to 4.

3. While entertaining the instant writ petition, this Court passed the following order dated 18.09.2026 :-

> *"1. Heard learned counsel for the petitioner; and Sri Sushil Kumar Srivastava, learned counsel appearing for the respondent nos. 2, 3 & 4.*
>
> *2. The petitioner is aggrieved by the order dated 12.08.2026, whereby he has been placed under suspension. Learned Senior Counsel appearing for the petitioner submits that the impugned suspension order has been passed in contravention of the provisions enunciated in the Proviso to Rule 4(1) of the U.P. Government Servant (Discipline and Appeal) Rules, 1999. It is further submitted that there is no contemplation of the disciplinary inquiry in the suspension order and, till date, no charge-sheet has been served upon the petitioner.*
>
> *3. The matter requires consideration.*
>
> *4. Learned Standing Counsel appearing for the respondent no. 1 has prayed for and is granted two weeks' time to obtain instructions from the authorities concerned regarding the submission advanced by the learned*

*Senior Counsel for the petitioner*.

*5. List this matter on 6th October, 2026 as fr*esh."

4. Pursuant to the aforesaid order dated 18.09.2026, learned Standing Counsel has filed a copy of instructions, today before the Court, which is taken on record. Office is directed to proceed accordingly. He, on the basis of the instructions, submits that the charge-sheet dated 08.09.2026 has been served upon the petitioner on 28.09.2026. However; till date, reply to the said charge-sheet has not been submitted by the petitioner. It is further submitted that by the separate order dated 12.08.2026 disciplinary proceedings were initiated and the enquiry officer was appointed.

5. Learned Senior Counsel appearing on behalf of the petitioner submits that the impugned order dated 12.08.2026, whereby the petitioner has been placed under suspended, has been passed in violation of the provisions enunciated under the proviso to Rule 4(i) of Uttar Pradesh Government Servants (Discipline and Appeal) Rules, 1999 (in brevity 'Rules, 1999'). It is further submitted that the competent authority has not recorded any *prima facie* satisfaction that, if the charges levelled against the petitioner are found proved, they would warrant imposition of a major penalty. In support of his submission, learned Senior Counsel has placed reliance upon the judgments of this Court in the case of Dr. Arvind Kumar Ram vs. State of U.P. And Others reported in **2007 (8) ADJ 659 (DB)** and in the case of Radhey Shyam Srivastava vs. State of U.P. And Others reported in **2008 (2) ESC 817 (All) (DB)**.

6. Having considered the rival submissions advanced by the learned counsel for the parties and upon perusal of record, and having regard to the provisions enunciated under proviso to Rule 4(i) of the Rules, 1999, this Court is of the considered opinion that 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 petitioner shall file his detailed reply/defence to the memo of charges served upon him within a period of 15 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 five months thereafter, after affording the petitioner due and proper opportunity of hearing.

(iii) Till a final decision is taken by the disciplinary authority, the effect and operation of the impugned order dated 12.08.2026, whereby the petitioner has been placed under suspension, shall be kept in abeyance.

(iv) 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.

(v) It is, however, clarified that, if considered necessary, the competent authority shall be at liberty to transfer the petitioner to any other nearby place or at the head quarter, during the pendency of the disciplinary proceedings.

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

**October 6, 2026**
VR

**(Dinesh Pathak,J.)**

Digitally signed by :-
VIBHA RATAN
High Court of Judicature at Allahabad