2026:AHC:207608

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 15325 of 2026

Sri Vikash Mishra

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Harsh Pratap Singh, Harsh Saxena
Counsel for Respondent(s)	:	Anadi Krishna Narayana, C.S.C.

Court No. - 32

HON'BLE DINESH PATHAK, J.

1. Supplementary affidavit filed before the Court today on behalf of the petitioner is taken on record.

2. Petitioner is aggrieved by the order dated 20.08.2026, whereby he has been placed under suspension.

3. While entertaining the instant writ petition, this Court passed the following order dated 23.09.2026:-

> *"1. Heard learned counsel for the petitioner, Sri Anadi Krishna Narayana, learned counsel for the respondents No. 2 to 5, learned Standing Counsel representing State-respondent No. 1 and perused the record on board.*
>
> *2. This writ petition has been filed, inter alia, seeking the following reliefs:*
>
> > *"(i) ISSUE a writ, order, or direction in the nature of CERTIORARI calling for the records and quashing the impugned Suspension Order No. 2750 dated 20.08.2026, as well as the impugned Charge-Sheet Letter No. 2825 dated 27.08.2026, issued by Respondent No. 4 against the Petitioner;*
> >
> > *(ii) ISSUE a writ, order, or direction in the nature of MANDAMUS commanding the Respondents to forthwith reinstate the Petitioner in his regular service as Conductor with all consequential service benefits;*
> >
> > *(iii) ISSUE a writ, order, or direction in the nature of MANDAMUS commanding the concerned Respondent to*

consider and objectively decide the Petitioner's detailed representation/reply dated 06.09.2026 by passing a reasoned and speaking order within a stipulated time period as fixed by this Hon'ble Court;"

3. Learned counsel for the petitioner has advanced two fold submissions:-

Firstly, Assistant Regional Manager is neither the appointing authority nor the authority empowered by the Board, therefore, he lacks jurisdiction to suspend the petitioner. Secondly, no finding has been recorded by the disciplinary authority that in the event allegation levelled against the petitioner is proved, he shall be subject to the major penalty, as mentioned in second proviso to Regulation 64 of U.P. State Road Transport Corporation Employees (Other than Officers) Service Regulations, 1981.

4. Sri Anadi Krishna Narayana, learned counsel appearing for the respondents No. 2 to 5 has prayed for and is granted ten day's time to obtain instructions from the authorities concerned regarding the submissions advanced by the learned counsel for the petitioner.

5. List this matter on 05.10.2026 as fresh."

4. Pursuant to the aforesaid order dated 23.09.2026, learned counsel appearing for the contesting-respondents submits that the Assistant Regional Manager is the appointing authority of the petitioner, therefore, the impugned suspension order cannot be said to be passed without jurisdiction. Learned counsel for the petitioner does not dispute the submissions advanced by the learned counsel for the respondents in this regard.

5. So far as the second point with regard to violation of second proviso to Regulation 67 of the State Road Transport Corporation Employees (Other than Officers) Service Regulations, 1981 (in brevity, 'Regulations, 1981') is concerned, a bare perusal of the impugned order dated 20.08.2026 reveals that the competent authority has not recorded any prima facie satisfaction in light of the provisions enunciated in the second proviso to Regulation 67 of the Regulations, 1981, that in the event the allegations levelled against the petitioner is found proved, they would warrant imposition of a major penalty.

6. Having considered the rival submissions advanced by the learned counsel for the parties and upon perusal of the record, particularly the non-compliance of the provisions contained under the second proviso to Regulation 67 of Regulations, 1981, this Court is of the considered view 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 disciplinary authority shall make every endeavour to conclude the disciplinary proceedings within a period of **four month** from today, 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 20.08.2026, 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 place within the same region, 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 5, 2026
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(Dinesh Pathak,J.)

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