2026:AHC:207597

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - A No. - 16278 of 2026**

Mohan Lal

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

| | | |
|---|---|---|
| Counsel for Petitioner(s) | : | Pranesh Kumar Mishra |
| Counsel for Respondent(s) | : | C.S.C., Devesh Vikram |

**Court No. - 32**

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

1. Sri Devesh Vikram, learned counsel appearing for respondent no. 2, has filed instructions before this Court today, which is taken on record.

2. Heard learned counsel for the petitioner; learned counsel appearing for respondent no. 2; learned Standing Counsel representing State-respondent and perused the record on board.

3. This writ petition has been filed, inter alia, seeking the following reliefs:

> *I. Issue a writ, order or direction in the nature of certiorari for quashing the impugned Suspension order dated 15.09.2026 passed by the respondent No.2 by which the petitioner has been suspended from his post of Junior Engineer and attached to the office of the Executive Engineer, Electricity Urban Test Division, Gorakhpur.*
>
> *II. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent No.2 to reinstate the petitioner upon his post of Junior Engineer and allow him to discharge his duty at his posting place i.e. 33/11 K.V. Sub Station Dharamshala under Electricity Urban Distribution Division-1, Town Hall, Gorakhpur with regular salary month to month..*
>
> *III. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent No.2 to treat the suspension period of the petitioner as period spent on duty and also to release the salary and allowances of the suspension period of the petitioner along with all the consequential benefits."*

4. Petitioner is aggrieved by the order dated 15.09.2026, whereby he has been placed under suspension without contemplation of the disciplinary

inquiry.

5. Learned counsel appearing for the petitioner submitted that the impugned order dated 15.09.2026 has been passed in violation of the proviso to Rule 4(i) of the U.P. Power Corporation Limited Employees (Discipline and Appeal) Regulation 2020 (in brevity, 'Regulations, 2020'). It is further submitted that competent authority has not recorded any prima facie satisfaction that, in the event of charges levelled against the petitioner are proved, they would warrant the imposition of a major penalty.

6. Sri Devesh Vikram, learned counsel appearing for respondent no. 2 contends that inquiry committee has already been constituted by the order dated 16.09.2026 and chargesheet shall be served at the earliest. He further submits that impugned suspension order dated 15.09.2026 has been passed pursuant to the report of preliminary inquiry.

7. Having considered the rival submissions advanced by the learned counsel for the parties and upon perusal of the record, particularly to the fact that the impugned order dated 15.09.2026 has been passed without following the procedure contemplated in proviso to 4(i) of the Regulations, 2020, I am of the considered view that no useful purpose would be served by keeping the present writ petition pending. Accordingly, without expressing any opinion on the merits of the case, this Court deems it appropriate to finally dispose of the present writ petition with the following directions:

> (i) The contesting respondents shall serve the memo of charges upon the petitioner, and constitute an Inquiry Committee or appoint an Inquiry Officer, as the case may be, within 15 days from today.
>
> (ii) The petitioner shall file his detailed reply/defence to the memo of charges served upon him within a period of 15 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 within a period of three 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 15.09.2026,

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 be at liberty to transfer the petitioner to any other place within the territorial jurisdiction of the same Distribution Division, or at the head quarter, during the pendency of the disciplinary proceedings.

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

**October 5, 2026**
Gss

**(Dinesh Pathak,J.)**

Digitally signed by :-
GIRAJA SHANKER SHARMA
High Court of Judicature at Allahabad