HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 17094 of 2026

Vikas Kumar

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Pranesh Kumar Mishra
Counsel for Respondent(s)	:	Adarsh Bhushan, C.S.C.

Court No. - 32

HON'BLE DINESH PATHAK, J.

1. The petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India challenging the order dated 25.04.2026, whereby he has been placed under suspension.

2. While entertaining the instant writ petition, this Court passed the following order dated 15.10.2026 :-

> *"1. The petitioner is aggrieved by the order dated 25.04.2026, whereby he has been placed under suspension.*
>
> *2. Learned counsel for the petitioner submits that the aforesaid order is in violation of the provisions enunciated under the proviso to Rule 4(1) of Uttar Pradesh Power Corporation Ltd. Employees (Discipline and Appeal) Regulations, 2020. He further submits that the appointing authority, or any other authority on his instructions/delegation, has the discretion to place an employee under suspension from his post during the pendency of disciplinary inquiry. However, a condition has been imposed through the proviso, appended thereto, that the power of suspension ought not to be exercised unless the allegations against the employee are of such serious nature that in the event of their being established, they would ordinarily warrant imposition of a major penalty. In support of his submission, learned counsel for the petitioner has placed reliance upon the order dated 05.12.2023 passed by the coordinate bench of this Court in Writ-A No. 13871 of 2023 (Imtayaz Ahmad Ansari vs. Power Corporation Ltd. And 2 Another). It is further submitted that before passing the order of*

suspension the appointing authority ought to have called for and examined the records relating to the allegations forming the basis of the proposed suspension and, after considering the said records, pass a reasoned order of suspension. In support of said submission, learned counsel for the petitioner has also placed reliance upon the judgment in Dr. Arvind Kumar Ram Vs. State of U.P. and others, 2007 SCC Online All 1390.

3. Sri Adarsh Bhushan, learned counsel appearing for the respondent No. 2 has prayed for and is granted one week week's time to obtain instructions from the authorities concerned with regard to the submissions advanced by the learned counsel for the petitioner.

4. Put up this matter again on 28.10.2026 as fresh"

3. Learned counsel for the contesting respondent no.2, although opposed the writ petition orally, has not disputed the submissions advanced by learned counsel for the petitioner with regard to the provision enunciated under the proviso to Rule 4(i) of the U.P. Power Corporation Limited Employees (Discipline and Appeal) Regulations, 2020 (in brevity 'Regulations, 2020').

4. Having considered the rival submissions advanced by learned counsel for the parties and upon perusal of record, particularly the provisions enunciated under proviso to Rule 4(i) of the Regulations, 2020, this Court deems it appropriate to finally dispose of the present writ petition without expressing any opinion on the merits of the present case, with the following conditions :-

(i) The disciplinary authority shall make every endeavour to conclude the disciplinary proceedings within a period of four months from today, after affording the petitioner due and proper opportunity of hearing.

(ii) Till a final decision is taken by the disciplinary authority, the effect and operation of the impugned order dated 25.04.2026, whereby the petitioner has been placed under suspension, shall be kept in abeyance.

(iii) The petitioner shall extend full co-operation in the disciplinary proceedings and shall not seek any unnecessary adjournment.

(iv) 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 company, 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 28, 2026
VR

(Dinesh Pathak,J.)

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