
(1989) 08 AHC CK 0027
In the Allahabad High Court
Case No : Writ Petition No. 5687, of 1985

Abdul Rauf

APPELLANT

Vs

District Administrative Committee and Another

RESPONDENT

Date of Decision : 30-08-1989

Acts Referred:

Uttar Pradesh Primary Agricultural Cooperative Credit Societies Centralized Service Rules, 1976 — Regulation 59(iv)(c)

Citation : (1989) 08 AHC CK 0027

Hon'ble Judges : U.C.Srivastava, J and S.H.A.Raza, J

Final Decision : Allowed

Judgement

S.H.A. Raza, J.

This writ petition is directed against the order of suspension, passed against the petitioner who is an employee of the Co operative Society. The contention of the petitioner is that disciplinary proceeding initiated against the petitioner is vitiated for the reason of the fact that it is in violation of regulation 59 (IV) (C) of the U.P. Primary Agricultural Cooperative Credit Societies. The said provision reads as under :

?Disciplinary proceedings shall be taken by the District Committee against the member either suo moto or on a report made to this effect by an Inspecting Authority or the Chairman of the society under whose control the member is working or may have worked.?

2. In para 18 of the Counter Affidavit it has been averred by the opposite parties that the petitioner's matter of suspension was put up before the District Administrative Committee which is the petitioner's employer, approved the suspension order by its meeting dated 15.11.85 and also approved the appointment of Enquiry Officer and as such it is incorrect to say that there is any illegality. It is sot mentioned as to whether the District Committee initiated the proceeding against the petitioner suo moto or not. The initiation of the proceedings by the Administrative Committee is different than the approval,

granted by the Administrative Committee. Although it is admitted that the Administrative Committee approved the suspension of the petitioner but it has not been denied that it has never initiated the proceedings against the petitioner.

3. In view of the reasons indicated hereinabove the suspension order passed against the petitioner, is vitiated. Even if the disciplinary proceedings against the petitioner is pending it cannot be allowed to stand and suspension order on this ground also deserves to be quashed and this writ petition deserves to be allowed.

4. In the end the writ petition is allowed and the suspension order, contained in annexure No. 2 against the petitioner is quashed.