
(2003) 11 AHC CK 0092
In the Allahabad High Court
Case No : Writ Petition No.6975 (S/S) of 2003

Aditya Narain Singh

APPELLANT

Vs

State of Uttar Pradesh and Others

RESPONDENT

Date of Decision : 21-11-2003

Acts Referred:

Uttar Pradesh Government Servants (Discipline and Appeal) Rules, 1999 — Rule 4

Citation : (2003) 11 AHC CK 0092

Hon'ble Judges : N.K.Mehrotra, J

Final Decision : Disposed Of

Judgement

N.K. Mehrotra, J.—By means of this writ petition, the petitioner has challenged the suspension order dated 20.10.2003 on the ground of committing irregularity in disposal of the claim of M/s. Prakash Industries, Faizabad a rice exporter, shortfall in realization of market fee and acting against the interest of Mandi Samiti in irresponsible manner.

2. The charge sheet has been submitted. In the order of the Director, Mandi Parishad dated 14.8.2003, it has been observed that the claim of the firm was decided without giving sufficient opportunity to the firm of filing the receipt of Dharma Kanta and the information with regard to the quality of the rice exported. This order was passed in a statutory revision against the order of the petitioner. There is no finding about any malpractice or nepotism or harassment of M/s. Prakash Industries, Faizabad, at the time of disposal of claim of that firm. The second charge against the petitioner is that there was a short fall of 44.48% in realization of mandi fee. This charge has been framed after receiving the report of the Regional Dy. Director (Annexure No.SA2) sent to the Director, Mandi Parishad. The Regional Dy. Director has explained the reasons of short fall in realization of Mandi fee in the year 2002-2003. The third charge for behaving in irresponsible manner in protecting the financial interest of the Mandi Samiti is vague enough. I find that the charges are such which if, proved there is a least chance of passing of an order of major punishment. The Mandi Parishad has

adopted the U.P. Government Servant (Discipline and Appeal) Rules, 1999. Proviso of Rule 4 of these rules provide that the suspension should not be resorted to unless the allegations against the Government Servant are so serious that in the event of their being established may ordinarily warrant major penalty. The learned counsel for the opposite parties has not been able to show any such decision before passing the impugned order.

3. Since there is no such averment, which requires rebuttal, and charges are such that if established may not warrant major penalty. In such circumstances both the parties have agreed for final disposal of the writ petition. This writ petition is being disposed of finally with the observation that any opinion expressed in the judgment will not affect the merit of the enquiry.

4. In view of the above, the writ petition is disposed of finally by quashing the impugned suspension order dated 20.10.2003 with the directions to the opposite parties to expedite the enquiry as far as possible within a period of three months.

(Ordered accordingly)