
(2009) 04 AHC CK 0696
In the Allahabad High Court

Awnish Kumar Singh

APPELLANT

Vs

State of U.P.and others

RESPONDENT

Date of Decision : 21-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0696

Hon'ble Judges : Shabihul Hasnain, J

Final Decision : Allowed

Judgement

Shabihul Hasnain, J.

Heard Sri I.B. Singh, for the petitioner and the learned standing counsel for the opposite parties.

On the last date, this Court after being satisfied that the original records were necessary for adjudication of this case, had directed the learned standing counsel to produce the record. Learned standing counsel has placed the record of the case before the Court.

The petitioner has challenged his suspension order dated 13.3. 2009 passed by opposite party no. 2, which has been annexed as annexure I to this writ petition.

The main argument of the learned counsel for the petitioner is that the charges are stale and old and the matter relates to the year 200506 when the petitioner was posted in Zila Panchayat, Balrampur on deputation. Learned counsel for the petitioner further submits that the alleged charges were inquired into by Technical Audit Cell (TAC) and on each count, the petitioner was exonerated but still the enquiry was repeated. He also stressed that the impugned suspension order has been passed by the appointing authority, the Director, without application of mind and on the behest and dictate of the State Govt. and as such is bad in law and cannot be sustained.

A perusal of the record of this case goes to show that the opposite party no. 2 had written letter to the State Govt. when he received instruction to suspend the

petitioner; that the inquiry report on the basis of which he is supposed to suspend the petitioner, may be supplied to him but without seeing the inquiry report and applying its mind, the Director ultimately passed the impugned order.

It is clear from the perusal of the record produced by the learned standing counsel that there is total lack of application of mind, hence the order is bad on this count alone.

Learned standing counsel prays for and is granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed within a week thereafter.

List immediately thereafter.

Meanwhile, suspension order dated 13.3. 2009 shall remain stayed. It is, however, made clear that the inquiry, if any, may be taken to its logical conclusion.