

(2009) 04 AHC CK 0348
In the Allahabad High Court

Devendra Nath Pandey

APPELLANT

Vs

State of U.P.and others.

RESPONDENT

Date of Decision : 28-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0348

Hon'ble Judges : Shabihul Hasnain, J

Final Decision : Disposed Of

Judgement

Shabihul Hasnain, J.

Heard Sri M.P. Raju, learned counsel for the petitioner and the learned standing counsel for the opposite parties.

Learned counsel for the petitioner submits that the petitioner was placed under suspension on 15.9. 2006. The petitioner challenged the said suspension order through W.P. No. 8559(SS)2006. This Court stayed the suspension order and directed that the inquiry may go on. In compliance of the order of this Court, the petitioner was reinstated in service but nothing has been done regarding the inquiry so far. The petitioner has categorically stated in para 13 of the writ petition that not even the charge sheet has been issued in the matter for the last three years. It is sad commentary on the working of the opposite parties. Uncertainty of future can also be a great source of harassment of any person specially an official against whom inquiry is allegedly pending. Non issuance of the charge sheet and non appointment of the inquiry officer goes to show that either the charges against the petitioner were not serious enough or the suspension order was passed unmindful of the charges levelled against him. In any view of the matter, the opposite parties cannot be allowed to linger on inquiry indefinitely specially in the wake of the fact that the material is being collected for the promotion of the Revenue Inspector to the post of Naib Tehsildar. The anxiety of the petitioner is that on one hand, opposite parties are not conducting complete inquiry, on the other hand when the promotion will be made, his case will be adversely affected because of pendency of the inquiry

against his name. In this regard, he has drawn the attention of the Court to annexure No. 8 at page 28 of the petition, where name of the petitioner finds place at serial no. 105. In the last column of the list, it has been shown that the inquiry is pending against him, which can adversely influenced the mind of the selection committee.

In view of what has been stated above, opposite parties are directed to immediately try to complete the inquiry, wherein they are directed to issue the charge sheet within a period of fifteen days from the date a certified copy of this order is produced before them. Thereafter, fifteen days will be allowed to the petitioner to file reply to the charge sheet; the opposite parties will conclude the inquiry within one month thereafter and after showing cause will pass final order within next one month. The petitioner is also directed to cooperate in the inquiry and not to take any adjournment.

It is provided that if the petitioner is otherwise eligible for promotion to the post of Naib Tehsildar, his case may be considered ignoring this inquiry. The sealed cover procedure may be adopted in the case of the petitioner, which will be subject to the outcome of the decision in the inquiry.

With these observation, the writ petition is finally disposed of.