
(2009) 04 AHC CK 0349
In the Allahabad High Court

Dinesh Pal Singh

APPELLANT

Vs

State of U.P.and others.

RESPONDENT

Date of Decision : 27-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0349

Hon'ble Judges : Shabihul Hasnain, J

Final Decision : Disposed Of

Judgement

Shabihul Hasnain, J.

Heard Sri Shishir Chandra, learned counsel for the petitioner and learned Standing counsel for the opposite parties.

Petitioner has been suspended vide order dated 20.1.2009 by the Conservator of Forest/Regional Director, Social Forestry, Hardoi, as contained in annexure No.1. Petitioner challenges the suspension order on the ground that the charge which has been mentioned in the suspension order can not be attributed to him because on the very date when he was given the said charge, he had made an endorsement that the land which is subject matter of the suspension order was already under encroachment and said endorsement was made on the handing over charge papers. The said endorsement is contained in annexure No.2 to this writ petition. Further, the petitioner submits that he had tried to inform the higher authorities also about the encroachment made by the villagers but instead of looking into the matter the authorities gave him show cause notice as to how he has approached the higher officers without consulting the Section Officer. He also submits that since January neither any charge sheet has been given to him nor any inquiry officer has been appointed and the petitioner is being harassed for none of his fault.

This Court cannot relegate itself to the job of inquiry officer and decide the factual matters/charges which is purely the domain of the executive. At the same time, the suspension should not be resorted to as a measure of punishment and

nobody can be allowed to remain suspended without initiating inquiry.

Accordingly, without making any observation on the merits of the case, it is directed that the opposite parties shall provide charge sheet to the petitioner within 15 days from the date a certified copy of this order is placed before them. The petitioner will be provided 15 days" time to file reply. The inquiry be completed within 6 weeks. Thereafter, within one month"s time the Disciplinary Authority may give him show cause notice and pass appropriate orders.

Petitioner is directed to cooperate with the inquiry and not to take any undue adjournment to derail the process of inquiry within stipulated time. Opposite parties shall also take into consideration the endorsement made by the petitioner on the handing over charge and further information that the petitioner has given his answer prior to his suspension while passing the appropriate orders.

It has been brought to the notice of the Court that the subsistence allowance is also not being provided to the petitioner. I take this observation with little sadness that the officers concerned can be so apathetic that the minimum requirement of paying subsistence allowance has also been overlooked by them which is a statutory requirement. Therefore, the opposite parties are directed to look into the matter and pay subsistence allowance to the petitioner at once.

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