
(2010) 05 AHC CK 0080
In the Allahabad High Court
Case No : Writ Petition No. 1419 (SB) of 2009

Dr. Raksha Goswami

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 13-05-2010

Acts Referred:

Citation : (2010) 05 AHC CK 0080

Hon'ble Judges : Uma Nath Singh, J;S.N.H. Zaidi, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Heard learned Counsel for parties and perused the records.
2. Shri D.K. Upadhyay, learned Chief Standing Counsel, at the very outset fairly submitted that in terms of a detailed interim order dated 12.10.2009, this writ petition may be disposed of by quashing the suspension order.
3. At this stage, Shri S.K. Kalia, learned senior counsel informed that pursuant to the said order, Inquiry Officer has already submitted a report, and the Disciplinary Authority, while differing with the report of Inquiry Officer has issued a show cause notice to the petitioner to which the petitioner has submitted a reply. Thus, the inquiry does not appear to have been concluded till date. That being altogether a different proceeding will not come on the way of disposal of this writ petition. The order passed by this Court granting interim relief on reproduction reads as:

In our opinion firstly the first inquiry in which reply to charge sheet has been filed in 2006 has not been completed and secondly, prima facie the charges do not appear to be so serious which may warrant major punishment. (However, we are not expressing any final opinion in this regard.) Accordingly, suspension order is stayed for a period of three months. Learned standing counsel is directed to file counter affidavit within two weeks. Rejoinder may be filed within two weeks thereafter. List for admission immediately after the expiry of the aforesaid

period.

Meanwhile earlier inquiries shall be expedited. Petitioner shall not seek any adjournment in the earlier three inquiries mentioned in the impugned order. In case she seeks any adjournment it will be a ground for vacation of this interim order.

4. In view of the aforesaid order and statement given by learned Chief Standing Counsel, we quash the suspension order dated 25.09.2009 passed by opposite party vide Annexure-1.

5. Thus, this writ petition stands allowed to that extent.