
(2010) 01 AHC CK 0043

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 32698 of 1999

Lallan Prasad

APPELLANT

Vs

State of U.P. and others

RESPONDENT

Date of Decision : 25-01-2010

Acts Referred:

Citation : (2010) 125 FLR 532

Hon'ble Judges : S.P. Mehrotra, J;K.N. Pandey, J

Bench : Division Bench

Advocate : Ashok Khare and M.K. Srivastava, for the Appellant;

Final Decision : Dismissed

Judgement

S.P. Mehrotra and K.N. Pandey, JJ.—The petitioner while working on the post of Assistant Engineer in Minor Irrigation and Rural Engineering Services was placed under suspension by the order dated 28.4.1999 (Annexure-1 to the Writ Petition) in contemplation of disciplinary proceedings against him. 2. By the order dated 5.8.1999, the Court granted time to the learned Standing Counsel appearing for the respondents for filing counter affidavit, and also passed an interim order. The said order dated 5.8.1999 is reproduced below:

Learned Standing Counsel prays for and is granted six weeks time to file a response. Meanwhile, it is provided that the enquiry against the petitioner may go on but the suspension order shall remain in abeyance and the enquiry shall be completed expeditiously.

3. By the order dated 5.1.2010, the learned Counsel for the petitioner as well as the learned Standing Counsel were granted time to obtain instructions regarding the latest position in the matter.

4. Shri Rohit Upadhyaya holding brief for Shri Ashok Khare, learned Counsel for the petitioner and Shri J.K. Tiwari, learned Standing Counsel, are present.

Shri J.K. Tiwari, on the basis of the instructions received, states that the

departmental proceedings against the petitioner were dropped by the Office Memorandum dated 26.9.2000 as the charge against the petitioner was not proved.

5. As the departmental proceedings against the petitioner have been dropped, the present writ petition whereby suspension order was challenged, has evidently become infructuous, and the same is liable to be dismissed as such.

The writ petition is accordingly dismissed as having become infructuous.