
(2010) 08 AHC CK 0202
In the Allahabad High Court

Munna Narain Singh and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 02-08-2010

Acts Referred:

Uttar Pradesh Police Officers of Subordinate Ranks (Punishment and Appeal) Rules, 1991 — Rule 17(1)

Citation : (2010) 08 AHC CK 0202

Hon'ble Judges : Shishir Kumar, J

Bench : Single Bench

Judgement

Shishir Kumar, J.—Learned Counsel for the petitioners states that the order of suspension dated 22.05.2010 impugned in this writ petition has been passed by Superintendent of Police, Jaunpur, in purported exercise of power under Rule 17(1)(a) of U.P. Police Officers of Subordinate Ranks (Punishment and Appeal) Rules, 1991, which provides that a police officer against whose conduct an inquiry is contemplated or proceeded may be placed under suspension.

2. Learned Counsel for the petitioners further submits that from a perusal of the aforesaid order, Endorsement No. 150/2010 forwarding copy of the order, shows that the Circle Officer, Sadar, has been required to hold preliminary enquiry in the matter and submit his report within 7 days meaning thereby that no departmental enquiry is contemplated or pending at this stage, but the respondent has directed the Circle Officer to conduct a preliminary enquiry and during that period the petitioners have been placed under suspension.

3. They placed reliance on a Full Bench Judgment of this Court in case of State of U.P. v. Jay Singh Dixit and Ors. reported in (1975) ALR 64, wherein it was held that the enquiry means the formal departmental enquiry and not a preliminary enquiry.

4. Learned Standing Counsel prays for and is allowed four weeks" time to file a counter affidavit.

5. List after expiry of the aforesaid period.

6. Considering the above submissions, until further orders of this Court, the order of suspension dated 22.05.2010 (Annexure-1 to the writ petition) shall remain stayed.