

(1998) 08 AHC CK 0100
In the Allahabad High Court
Case No : C.M.W.P. No. 20877 of 1993

Murli Manohar Shukla

APPELLANT

Vs

Member Secretary, District Administrative Committee and
District Assistant Registrar, Co-operative Societies, U.P. and
others

RESPONDENT

Date of Decision : 18-08-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 1 AWC 331

Hon'ble Judges : D.S. Sinha, J; Bhagwan Din, J

Bench : Division Bench

Advocate : K.D. Tripathi, for the Appellant;

Final Decision : Dismissed

Judgement

D.S. Sinha and Bhagwan Din, JJ.—Heard Sri K. D. Tripathi, learned counsel appearing for the petitioner.

2. The petitioner is an employee of the U. P. Primary Agriculture Co-operative Credit Society. He is alleged to be involved in certain serious financial irregularities mentioned in the order of suspension dated 20th May. 1993, a copy whereof is Annexure-4 to the petition. This order is under challenge in this petition.

3. A perusal of the impugned order reveals that for the alleged serious financial irregularities, an enquiry is proposed to be held against the petitioner and for the said purpose, the petitioner has been placed under suspension. The impugned order also purports to appoint an Enquiry Officer requiring him to submit a report within specified period.

4. In substance, the contention of the learned counsel of the petitioner is that the charges of alleged financial irregularities mentioned in the impugned order are not correct. Therefore, the impugned order is liable to be quashed.

5. In the opinion of the Court, the contention of the learned counsel of the petitioner has no force. Whether the charges are correct or not is a matter to be decided by the Enquiry Officer on the basis of the evidence available before him.

6. Otherwise also, it will not be appropriate for this Court to intervene in the matter, In its judgment, rendered in the case of U.P. Rajya Krishi Utpadan Mandi Parishad and Others Vs. Sanjiv Rajan, , the Hon''ble Supreme Court has held that whether the employees should or should not continue in their office during the period of enquiry is a matter to be assessed by the concerned authority and ordinarily the Court should not interfere with the orders of suspension unless they are passed mala fide and without there being a prima facie evidence on record connecting the employee with misconduct in question. In the instant case, it is not the case of the petitioner that the impugned order of suspension is mala fide. It is also not the contention of the petitioner that there is no prima facie evidence on record connecting him with misconduct which is a subject-matter of enquiry.

7. All told, it is not a fit case for interference by this Court in exercise of its special and extraordinary jurisdiction under Article 226 of the Constitution of India. Consequently, the petition fails and is dismissed summarily. The interim order dated 23rd June. 1993 is vacated.