
(1983) 04 AHC CK 0030
In the Allahabad High Court
Case No : Writ Petition No. 1729 of 1983

Nasir Ali

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 01-04-1983

Acts Referred:

Citation : (1983) 04 AHC CK 0030

Hon'ble Judges : K.N.Goyal, J and R.C.Deo Sharma, J

Final Decision : Allowed

Judgement

K.N. Goyal, J. & R.C. Deo Sharma J.

1. Admit.

2, As only a short legal question is involved, we proceed to Dispose of the petition finally.

3, The petitioner is aggrieved by the order dated 1931983, annexure1 to, the petition. This order has been passed by the State Govt. It says that in respect of certain charges a disciplinary enquiry is contemplated against the petitioner. The nature of the charges is specific. Accordingly, the order reverts him from his present post of Pravidhik Adhikari, to his substantive post, Subordinate Agriculture Service, Group? , and also suspends him in contemplation of the enquiry. The order of reversion is bad because it carries a stigma and as such it amounts to reduction in rank and is violative to Article 311 (2) of the constitution. We, however, find no illegality in the order of suspension in contemplation of the enquiry, at this stage. No opportunity is required to be given before passing an order of suspension of this nature. However, if the enquiry is unduly delayed or the, charge sheet is not issued within a reasonable time, it will be open to the petitioner to come to this court,

4. In the result the writ petition is allowed in part. The part of the order dated 19383, annexure1, insofar as it directs the reversion of the petitioner to his

substantive post of Subordinate Agriculture Service Group1, is hereby quashed. The petitioner will be deemed to have been suspended , from the post of Pravidhik Adhikari, on which he was officiating, and not from his substantive post in the Subordinate Agriculture Group1. The order of suspension, however, will not be affected by our order.

[Petition allowed]