
(2009) 04 AHC CK 0505
In the Allahabad High Court

Ramesh Chandra Bajpai

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 21-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0505

Hon'ble Judges : Chandramauli Kumar Prasad, CJ and Dilip Gupta, J

Final Decision : Dismissed

Judgement

Dilip Gupta, J.

With the consent of learned counsel for the parties, we have heard this special appeal on merit.

Writ petitionerappellant, aggrieved by the judgment and order dated 25.02.2009 passed by a learned Judge in Writ Petition No.10701 of 2009 dismissing the writ petition, has preferred this special appeal under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952.

Writ petitionerappellant, at the relevant time, was a Chief Pharmacist in District Hospital, Fatehpur. According to respondents, during a surprise visit of Minister of Medical Health and the Director General, Medical Health Services, he was asked to be present. He did not do so and hence the inspection of the Store could not take place. On the aforesaid ground, he was put under suspension by order dated 06.02.2009 passed by respondent no.2 in contemplation of a departmental enquiry.

Writ petitionerappellant challenged the aforesaid order, interalia, contending that he was not informed about the visit of the Minister and further no information was passed on to him for being present. This submission did not find favour of the learned Judge and he has dismissed the writ petition by the order impugned in this appeal.

Mr. H.K. Singh, appearing on behalf of the appellant, submits that the appellant

was never asked to be present and, therefore, even if he did not report after duty hours, he ought not to have been put under suspension.

Whether writ petitionerappellant was informed to be present in the Hospital is a question of fact and that can appropriately be decided in departmental enquiry itself. We are of the opinion that the facts of the present case do not justify interference with the order of suspension and the learned Judge did not err in declining to interfere in the matter.

We do not find any merit in the appeal and it is dismissed accordingly.

However, we observe that the departmental proceedings initiated against the appellant be concluded within four months from the date of receipt/production of a copy of this order before the authority concerned.