

**(2012) 01 AHC CK 0619**  
**In the Allahabad High Court**  
**Case No : Writ A No. 2110 of 2012**

Shiva Nand Singh

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision :** 12-01-2012

**Acts Referred:**

**Citation :** (2012) 01 AHC CK 0619

**Hon'ble Judges :** Sudhir Agarwal, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## Judgement

Hon"ble Sudhir Agarwal, J.—The writ petition is directed against the order of suspension dated 23.12.2011 passed by Member-Secretary, District Administrative Committee, Jaunpur.

2. Learned counsel for the petitioner submitted that in view of Full Bench judgment in Ram Chandra Pandey Vs. District Administrative Committee & Ors. 1997 (3) UPLBEC 1747 impugned order of suspension and appointment of enquiry officer by the Member-Secretary, District Administrative Committee, Jaunpur is wholly without jurisdiction since this could have been done only by the Committee. However a perusal of impugned order of suspension show that the decision for suspending the petitioner was taken by Committee in the meeting dated 09.12.2011 and it has been mentioned clearly in the impugned order as under:

3. Learned counsel for the petitioner when pointed out could not dispute that said decision was taken by Committee and hence suspension by itself cannot be said to be vitiated in law.

4. If that be so, appointment of enquiry officer by Member Secretary also cannot be challenged on the ground that being without jurisdiction since Full Bench in Ram Chandra Pandey (supra) in para 15 itself said that a Member Secretary can appoint enquiry officer for conducting disciplinary enquiry provided disciplinary

proceedings has been taken by District Administrative Committee. In the case in hand decision of suspension of the petitioner has been taken by District Administrative Committee and it cannot be disputed that suspension is part and parcel of initiation of disciplinary proceeding. If that be so the order appointing enquiry officer by Member of Committee cannot be said to be illegal. this aspect has been considered by this Court also in Ayodhya Rai Vs.State of U.P. & Ors., 2006(3) ESC 1755.

5. I, therefore, find no reason to interfere with the impugned order.

6. Dismissed.