

(2010) 01 AHC CK 0059
In the Allahabad High Court
Case No : Spl. A. No. 117 of 2010

Shyam Babu Bhatnagar

APPELLANT

Vs

U.P. Power Corporation Ltd. and Others

RESPONDENT

Date of Decision : 27-01-2010

Acts Referred:

Citation : (2010) 124 FLR 877

Hon'ble Judges : C.K. Prasad, C.J;Arun Tandon, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Writ petitioner-appellant, aggrieved by order dated January 8, 2009 passed by a learned Single Judge in Civil Misc. Writ Petition No. 589 of this appeal Under Rule 5 Chapter VIII of the High Court Rules.
2. Writ petitioner-appellant (hereinafter referred to as "petitioner") aggrieved by order dated November 23, 2009 passed by the Superintending Engineer transferring him from one Sub Station to another Sub-Station, as also by the order of suspension dated December 23, 2009 passed by the Executive Engineer had preferred the writ application. The learned Single Judge by the impugned order declined to interfere with the orders impugned.
3. Mr. Ranjit Saxena, appearing on behalf of the petitioner submits that the transfer and suspension have been manipulated by one Sri S.K. Gupta, an Employee of the Corporation.
4. We do not find any substance in the submission of Mr. Saxena. Mr. S.K. Gupta is not a superior authority either to the Executive Engineer or the Superintending Engineer and therefore, the allegation made by the petitioner that orders have been passed at the instance of Mr. S.K. Gupta, is not fit to be Accepted.
5. While assailing the order of suspension, Mr. Saxena submits that the Executive Engineer had passed the order at the dictate of the Superintending Engineer and

therefore, the order of suspension is fit to be set aside on this ground alone.

6. We do not find any substance in this submission of Mr. Saxena also. Nothing prevents a superior officer to bring into the notice of officer competent to pass order of suspension of misdemeanour on part of an" employee. Further, nothing prevents the competent authority to take note of such facts and on consideration of the same, pass appropriate order.

7. In the present case, the Executive Engineer considered the note of the Superintending Engineer and passed the impugned order of suspension, which cannot be said to be at the dictate of the Superintending Engineer.

8. We are of the opinion that the consideration of the matter by the learned Single Judge does not suffer from any error calling for interference in the appeal.

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