
(2009) 04 AHC CK 0748
In the Allahabad High Court

Shyam Kumar Mishra

APPELLANT

Vs

State of U.P.and others

RESPONDENT

Date of Decision : 21-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0748

Hon'ble Judges : Janardan Sahai, J and Yogendra Kumar Sangal, J

Final Decision : Dismissed

Judgement

Y.K. Sangal, J.

The petitioner is an Assistant Director Handloom. By an order dated 4.3.2009 he has been suspended. It is alleged in the order suspension that for the year 200607 a sum of Rs. 24.54 lacs was misused for which the petitioner is responsible. A charge sheet has also been issued to the petitioner, copy of which has been annexed as Annexure 6 to the writ petition. A perusal of the charge sheet would demonstrate that certain amount was disbursed to certain societies and on verification it was found that various items which were required to be purchased could not be found on physical verification. The allegation is that the petitioner had colluded with the society.

Learned counsel for the petitioner submitted that the allegation is false and in fact the loan was properly utilized and a letter has also been written in this regard by the District Magistrate to the Director Handloom dated 22.9.2007 that a sum of Rs. 12.50 lacs has been released for utilization and the request has been made for release of the balance amount. The question as to whether the society had utilized the amount and whether the items had been purchased is one of fact, which can be determined only after evidence is adduced in the enquiry. The allegations to financial irregularities are quite serious in nature. In the circumstances no ground for interfering with the suspension order has been made out.

In the facts and circumstances we direct that if the petitioner cooperates the

respondents may conclude the enquiry proceedings expeditiously preferably within a period of three months from the date of production of a certified copy of this order. In case any subsistence allowance is due to the petitioner the same shall be paid to the petitioner without delay. Subject to these direction the petition is dismissed.