

State Of U.P. Thru. Its Prin. Secy. ... vs Naresh Kumar on 28 March, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:17829-DB

Court No. - 1

Case :- SPECIAL APPEAL DEFECTIVE No. - 128 of 2025

Appellant :- State Of U.P. Thru. Its Prin. Secy. Deptt. Of Personnel Govt. Of U.P. Lko.

Respondent :- Naresh Kumar

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Ajeet Pratap Singh

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Ajai Kumar Srivastava-I, J.

1. Heard learned counsel for the appellants and Shri Ajeet Pratap Singh, learned counsel who has put in appearance on behalf of the sole respondent.
2. There is a delay of 22 days in filing the special appeal, however, since there is no objection and the cause shown appears to be sufficient, the application for condonation of delay is allowed and the delay in filing the appeal is condoned.
3. The intra-court appeal is directed against the interlocutory order dated 30.1.2025 passed by the Writ Court in Writ-A No. 1278 of 2025. The writ petition had arisen out of an order of suspension passed in contemplation of inquiry.

4. Since the charge-sheet was already issued to the respondent, the writ court having regard to the nature of allegations levelled, has left the inquiry open and stayed the order of suspension in the meantime.
5. At this stage learned counsel for the appellants has stated that the observations made by the writ court in the impugned order dated 30.1.2025 are likely to affect the course of fair inquiry.
6. It is however not disputed that the State is under obligation to conclude the disciplinary proceedings at the earliest.
7. In the facts and circumstances of the case while confirming the interim order passed by the writ court, we further provide that the State shall conclude the disciplinary proceedings within a period of four months from the date of service of this order which in any case shall be communicated by learned Chief Standing Counsel within a week from today.
8. The documents asked for by the delinquent officer, if any, shall be provided to him within a period of two weeks from today and the delinquent officer on obtaining copies of the documents, shall submit his explanation within a further period of 15 days thereafter.
9. The inquiry officer shall thereafter proceed with the inquiry by fixing date, time and place of which due information shall be given to the respondent.
10. The inquiry proceedings shall accordingly be concluded within a period of three months from the date of the submission of the reply and in any case not later than a period of four months from today. The order of stay of suspension shall remain operative subject to the outcome of the proceedings.
11. The intra-court appeal and the writ petition shall stand disposed of in terms of this order.
12. It is made clear that the respondent undertakes to participate in the inquiry proceedings and shall not evade his presence on the dates fixed by the Inquiry Officer. The State also undertakes to pay salary to the respondent without fail.

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[Ajai Kumar Srivastava - I, J.] [Attau Rahman Masoodi, J.] Order Date :- 28.3.2025 akhilesh/-