



2026:AHC:11163

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 16292 of 2025

Krishna Chandra

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anil Kumar Prajapati, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Ashok Khare, Senior Advocate assisted by Shri Anil Kumar Prajapati, learned counsel for the petitioner and Sri S.K. Pal, learned Additional Chief Standing Counsel, who appears for State-respondents.

2. Instructions have been supplied by Shri S.K. Pal, learned Additional Chief learned Standing Counsel, submits that he is well equipped with the instructions and the instructions are self-sufficient for disposal of the writ petition and he does not propose to file any further affidavit and the petition be decided on the basis of the documents available on record, thus with the consent of the parties, writ petition is being decided at the fresh stage.

3. The case of the writ petitioner is that he was appointed as Bal Vikas Pariyojana Adhikari in the year 2011. It is also the case of the petitioner that owing to certain acts and omissions which have been attributed to him, on 16.04.2025, the Director - Bal Vikas Sewa Evam Pushtahar, U.P., Lucknow proceeded to pass an order for instituting the departmental inquiry against the writ petitioner under Rule 7 of the U.P. Government Servant (Discipline and Appeal) Rules, 1999 while placing the writ petitioner under suspension. A departmental charge-sheet came to be served upon the writ petitioner dated 22.05.2025 containing two charges. The writ petitioner claims to have submitted his reply on 14.07.2025 and thereafter an inquiry officer without conducting any enquiry proceeded to submit an enquiry report by letter dated 18.07.2025 to the Director - Bal Vikas Sewa Evam Pushtahar, U.P., Lucknow. The letter thereafter *vide* its communication dated 06.08.2025 returned the report with a direction for a fresh inquiry report to be submitted under the provisions of Rule 7 of the U.P. Government Servant (Discipline

and Appeal) Rules, 1999. Thereafter, on 12.08.2025, a notice came to be issued by the inquiry officer requiring the writ petitioner/ delinquent to be present on 14.08.2025. The writ petitioner on the said date appeared and filed his written statement. It is also the case of the writ petitioner that subsequent to 14.08.2025, no other date was fixed by the inquiry officer. In para-12 of the writ petition, it is asserted that on 18.08.2025, an inquiry report came to be submitted by the inquiry officer before the disciplinary authority. The writ petitioner further claims that he has not been served with the inquiry report and he is in complete dark about the contents of the inquiry report. Since, according to the writ petitioner, the inquiry proceedings were not given a logical end so he preferred representation on 13.10.2025. On 16.04.2025, the writ petitioner was placed under suspension.

4. Questioning the order dated 16.04.2025 passed by the Director Bal Vikas Sewa Evam Pushtahar, U.P., Lucknow, second respondent suspending the writ petitioner, the present writ petition has been preferred.

5. This Court entertained the writ petition on 13.11.2025 while passing the following orders:

"1. The contention of learned Senior Counsel that the writ petitioner was placed under suspension on 16.04.2025, thereafter, inquiry report came to be submitted before the disciplinary authority.

2. However, an order came to be passed on 06.08.2025 requiring the inquiry officer to conduct fresh inquiry as per Rule 7 of the 1999 Rules. According to the averments made in para 12, inquiry officer came to be submitted on 19.08.2025 by the inquiry officer before the disciplinary authority but nothing further has been done.

3. Learned counsel for the petitioner submits that writ petitioner cannot be continued under suspension any further.

4. Sri R.S. Umrao, learned Standing Counsel seeks time to obtain instruction in the matter.

5. Put up this case as fresh on 03.12.2025."

6. Thereafter, on 15.12.2025, the following orders were passed:

"Post passing of the order dated 13.11.2025, instructions have been produced under the signatures of the Director, instructions shows that an inquiry report came to be submitted on 18.08.2025 with respect to two charges, the charge no. 1 was not found to be proved and the charge no. 2 was partially proved. It is quite surprising that the

instructions are being forwarded without annexing the copy of the inquiry report.

Put up this case on 17.12.2025 as fresh.

Instructions filed today are taken on record as marked as appendix A."

7. Lastly, on 14.01.2026, this Court proceeded to pass the following orders:

"1. Post passing of the order dated 15.12.2025, instructions have been forwarded dated 16.06.2025 of the Additional Director, Finance that so far as the charge no. 1 is concerned, the same was not proved and the second charge was partially proved. It is quite amazing that though the inquiry report came to be submitted on 18.08.2025 before the disciplinary authority but till date no decision has been taken.

2. Learned Senior Counsel for the writ petitioner submits that he has been placed under suspension since April, 2025 and it is the lethargy on the part of the respondents, the inquiry is not being concluded.

3. Put up this case on 16.01.2026 at 2:00 P.M., as fresh by which time, the fate of the inquiry proceedings shall be communicated.

4. Instructions filed today are taken on record and marked as Appendix 'B'."

8. Learned Senior Counsel for the writ petitioner has submitted that the order dated 16.04.2025 passed by the second respondent, Director - Bal Vikas Sewa Evam Pushtahar, U.P., Lucknow cannot be sustained for a single moment. Elaborating the said submission, it is submitted that the suspension order is being prolonged without any basis and there is no fault of the writ petitioner, according to him, though the writ petitioner was placed under suspension while directing for conduction of an inquiry against the writ petitioner on 16.04.2025, a charge-sheet dated 22.05.2025 was served to which the reply was submitted by the writ petitioner and the inquiry officer conducted an inquiry and submitted its report and the copy whereof was not served, however, the disciplinary authority for the reasons best known to him, has returned the inquiry report while directing the inquiry officer to conduct another inquiry and thereafter on 14.08.2025, pursuant to a letter dated 12.08.2025, the writ petitioner appeared and also submitted his reply but on 19.08.2025, the inquiry report came to be submitted before the disciplinary authority and now the said inquiry report is in cold storage as no further proceedings was undertaken and the writ petitioner is being unnecessarily placed under suspension. Learned Senior Counsel for the writ petitioner argues that the writ petitioner had not attempted to make any dilatory tactic and further according to him, now the writ petitioner has come

to know about the inquiry through the instructions which have been submitted before this Court wherein with respect to charge no. 1, it was not found to be proved and charge no. 2, it was found to be partly proved. He further submits that now the inquiry report stands submitted before the disciplinary authority then it is the lethargy and the apathy on the part of the respondents in not issuing the show cause notice and prolonging the suspension of the writ petitioner.

9. Sri S.K. Pal, learned Additional Chief Standing Counsel on the the basis of the instructions so received from his client submits that the inquiry report came to be submitted on 18.08.2025 wherein the charge no. 1 was found not not proved and charge no. 2 was found to be partly proved. However, on a specific query being raised to the learned Additional Chief Standing Counsel as to what prevents the disciplinary authority not issuing show cause notice along with inquiry report, his answer to the said query is that a pen drive with relation to a criminal case has been sent to the forensic laboratory and the result is still abated.

10. I have heard learned counsel for the parties and gone through the records carefully.

11. Facts are not in issue. It is not in issue that the writ petitioner was suspended on 16.04.2025, on the said date also inquiry proceedings under Rule 7 of the 1999 Rules were initiated. A charge-sheet was also served upon the writ petitioner dated 22.05.2025. The writ petitioner claims to have tendered his reply, the inquiry officer has conducted the inquiry and submitted its report before disciplinary authority which was found not acceptable by the disciplinary authority and the inquiry proceedings were again directed to be conducted, post the same on 18.08.2025, the inquiry report came to be submitted before the disciplinary authority by the inquiry officer wherein charge no. 1 was found to be not proved as well as charge no. 2 partly proved. As regards, the charge no. 1 in the chargesheet dated 22.05.2025, allegation has been levelled with regard to demand of illegal gratification, however, the inquiry officer in his inquiry report dated 18.09.2025 has held the charges not proved and with respect to charge no. 2, the allegation is the writ petitioner used to take undue advantage and misuse of official power, the same was found to be partly proved.

12. In the opinion of the Court, prolonging the suspension of an officer or an

employee without there being any fault attributed to the officer or the employee cannot be accepted or appreciated. Once the inquiry proceedings came to be submitted on 18.08.2025 then it was incumbent upon the disciplinary authority to have issued show cause notice seeking reply of the delinquent and to pass orders. Since the said exercise is lacking and since 19.08.2025 till today when the order has been passed, show cause notice has not been issued and further the only reasons for not issuing show cause notice is that in a criminal case, the case property is a pen-drive which has been sent for verification from the forensic laboratory. *Prima facie*, in the wake of submission of the inquiry report dated 18.08.2025 with respect to the charge-sheet dated 22.05.2025 continuance of the suspension of the writ petitioner is not unwarranted.

13. Pertinently, the said attempts so sought to be made by the respondents cannot be appreciated. Accordingly, the writ petition is being decided in the following manner:

(a). The order dated 16.04.2025 placing the writ petitioner under suspension passed by he Director - Bal Vikas Sewa Evam Pushtahar, U.P., Lucknow, respondent no. 2 is set aside.

14. Leaving it open for the respondents to issue a show cause notice.

15. At this stage, Sri S.K. Pal, learned Additional Chief Standing Counsel submits that show cause notice shall be given within a period of two weeks, in case, a show cause notice is given within 14 days then the final orders will be passed expeditiously.

16. Accordingly, the writ petition stands **disposed of**.

17. The instructions are being annexed as appendix A, B and C.

January 16, 2026
A. Prajapati

(Vikas Budhwar,J.)