



2026:AHC:11438

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 18430 of 2025

Randhir Singh

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mukesh Kumar, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C., Rakesh Chandra Tiwari

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Counter affidavit filed today is taken on record.
2. Heard Sri Ashok Khare, learned Senior Counsel assisted by Sri Mukesh Kumar, learned counsel for the writ petitioner as well as Sri Gaurav Singh, learned Standing Counsel for the State and Sri Rakesh Chandra Tiwari who has preferred an impleadment application as intervener.
3. Sri Gaurav Singh, learned Standing Counsel has made a statement at bar that he is well equipped with the instructions and he is in a position to argue the matter and he does not propose to file any affidavit the writ petition be decided on the basis of the documents available on record. With the consent of the parties, the writ petition is being decided at this stage.
4. The case of the writ petitioner is that the writ petitioner was initially appointed as Junior Clerk on 19.04.1995 and thereafter he was granted promotion as Senior Clerk in the year 2015. As per the writ petitioner he has been posted in different places at present he is posted in the office of Chief Medical Officer, Aligarh. It is also the case of the writ petitioner that once Sonu Kumar who was preferred an impleadment application bore animosity against the writ petitioner and he used to file umpteen number of complaints against the writ petitioner. Learned counsel for the writ petitioner has invited the attention of the Court towards Annexure-1 starting from page 14 in page 30 reference whereof has been made in para

7 showing the fact that from one Mobile as many as 232 complaints on IGRS Portal were made against the writ petitioner and other staffs. However, according to the writ petitioner, on the complaint so made by the complainant, a report came to be submitted on 11.03.2025 whereby nothing was found substantiated against the writ petitioner. Again, an inquiry stood conducted against the petitioner while indicating that the writ petitioner was found counting of note but nobody saw him delivering currency and the Additional District Magistrate-II also tendered the report dated 24.01.2025 holding that none of the allegations stood proved against the writ petitioner. It is also the case of the writ petitioner that on 13.02.2025, a report based upon the complaint was submitted by Additional District Magistrate, City, Aligarh holding the allegations not proved. However, according to the writ petitioner, on the basis of a report of City Magistrate/Inquiry Officer, Aligarh dated 08.09.2025, the writ petitioner has been placed upon suspension on 26.11.2025.

5. Questioning the suspension order, the present writ petition has been preferred.

6. This Court entertained the present writ petition on 15.12.2025 while passing the following orders.-

"1. Contention of the learned Senior Counsel is that the impugned suspension order cannot be sustained for the simple reason that though the writ petitioner happens to be a Senior Clerk in the office of Chief Medical Officer, Aligarh, but one Sonu Kumar, who happens to be a busy body and bears animosity with the writ petitioner who has filed an impleadment application is just against the writ petitioner and he keeps on making complaints on and on.

2. Submission is that Annexure-1, which commences from page-15 and concludes at page-30 of the paper-book itself shows the voluminous complaints made by Sonu Kumar and the said complaints came to be investigated and thereafter nothing was found against the writ petitioner and in this regard reference has been made to page-48, 51 (relevant extract at page-53/54) and page-58 (relevant extract at page-61 of the paper-book). It is also contended that even a politician being an MLA who was also after the writ petitioner, and on the basis of the same, an inquiry stood conducted

on 08.09.2025 wherein according to the writ petitioner at page-103 of the paper-book, the charges were not found to be proved against the writ petitioner, but based upon the said inquiry report dated 08.09.2025, the Appointing Authority has placed under suspension holding the charges to be proved. Submission is that though one of the charges is with regard to counting of Rs.2000/- note , but there is no iota of evidence to show that the writ petitioner was handed over the said currency in that regard.

3. Sri Gaurav Singh, learned Standing Counsel seeks time to obtain instructions.

4. Sri Sushil Kumar holding brief of Sri Rakesh Tiwari submits that an impleadment application has been filed on 12.12.2025, but the same is not on record. Office to trace and place the same on record.

5. Put up this case on 17.12.2025, as fresh".

7. Learned Senior Counsel of the writ petitioner has sought to argue that the order dated 26.11.2025 passed by the Director, Administration, Medical and Health Services, U.P., Lucknow cannot be sustained for the simple reason that though the entire basis for placing the writ petitioner under suspension is an inquiry report dated 08.09.2025 but the said inquiry report nowhere in any manner whatsoever shows that the writ petitioner has committed any misconduct. Submission is that in the inquiry report dated 08.09.2025, Annexure-16 at page 99 relevant extract at page 103 of the paper book under item no. 1 this much has been stated that one Dr. Mohit Goyal along with the writ petitioner has tendered their statements and Inquiry Officer based upon the statements opined that one Sri Dinesh Khatri posted as Additional CMO and a Nodal Officer had abdicated in the work and the said work are being executed by the writ petitioner and one Sri Goyal. He submits that in the concluding para of the report dated 08.09.2025, a finding has been recorded that the writ petitioner was shown taking illegal gratification but in the entire complaint, nothing is there to substantiate the said allegation and without recording any finding, conclusion has been drawn. It is also the argument of the learned Senior Counsel for the writ petitioner that earlier reports dated 11.03.2025, 24.01.2025 and 13.02.2025 have not been considered at all and merely on the basis of the report dated 08.09.2025, the writ

petitioner has been placed under suspension.

8. Countering the submission so made by the learned Senior Counsel for the writ petitioner Sri Gaurav Singh, learned Standing Counsel submits that a perusal of the suspension order dated 26.11.2025 would go to show that the writ petitioner had been placed under suspension on the basis of the fact finding inquiry report dated 08.09.2025. However, on a pointed query being raised to the learned Senior Counsel for the writ petitioner whether there happens to be any considerations in coming to the conclusion in the report dated 08.09.2025 whereby only conclusions have been drawn without there being any basis that the writ petitioner has been found not only counting the notes but also the currency was delivered to him, the answer is in negative. He submits that the only consideration made relatable to the writ petitioner is stands extract in page 103 relevant extract whereof is being quoted hereinbelow.-

"1. साक्ष्य प्रमाण के अभाव में बिंदु संख्या 01 निराधार प्रतीत होता है।

2. बिंदु संख्या 02 के संबंध में डा० रोहित गोयल य श्री रणधीर चौधरी द्वार दिये गये बयान के आधार से यह प्रतीत होता है कि पी०सी०पी०एन०डी०टी० एवं हॉस्पिटल का फार्म श्री दिनेश खत्री की तैनाती के पश्चात श्री दिनेश खत्री एवं श्री रणधीर चौधरी, वरिष्ठ लिपिक के द्वारा किया जा रहा है। जुलाई 2022 से 31.03.2024 तक पीसीपीएनडीटी व हॉस्पिटल रजिस्ट्रेशन का कार्य डा० रोहित गोयल द्वारा किया गया है। प्राइवेट सेन्टरों से मोटी स्कम लिये जाने के संबंध में कोई साक्ष्य उपलब्ध नहीं कराया गया है। आरोप आंशिक रूप से सत्य प्रतीत होता है।

मेरे द्वारा प्रश्नगत प्रकरण के संबंध में लिये गये बयान एवं साक्ष्यों के अवलोकन से विदित हो रहा है कि ए०सी०एम०ओ डा० दिनेश खत्री द्वारा पर्यवेक्षणीय शिथिलता के कारण आंशिक रूप से दोषी हैं। इसके साथ ही साक्ष्य के आधार पर कार्यालय मुख्य चिकित्साधिकारी अलीगढ़ में कार्यरत श्री रंधीर चौधरी, वरिष्ठ सहायक (तत्कालीन पटल सहायक) द्वारा पैसे के लेन-देन किये जाने एवं पटल सहायक के रूप में कार्यरत होने के कारण एवं साक्ष्य के रूप में उपलब्ध वीडियों के अवलोकन से श्री रंधीर चौधरी द्वारा पैसों के लेन-देन करते स्पष्ट रूप से दिखाई दे रहे हैं। किसी भी सरकारी कार्मिक द्वारा कार्यालय में पैसों का लेन-देन किया जाना कदाचार की श्रेणी में आता है। इस प्रकार पटल सहायक श्री रंधीर चौधरी द्वारा कार्यालय मुख्य चिकित्साधिकारी अलीगढ़ द्वारा पैसों का लेन-देन किये जाने की पुष्टि वीडियोग्राफी के अवलोकन से होती है। ऐसी दशा में कार्यालय मुख्य चिकित्साधिकारी, अलीगढ़ में तैनात वरिष्ठ सहायक श्री रंधीर चौधरी पर आरोपों की पुष्टि होती है।"

9. He further submits that the impugned suspension order does not recite the conclusions which were made with respect to the other inquiries conducted against the writ petitioner.

10. I have heard the submission so made across bar and perused the record.

11. Apparently, the writ petitioner has been placed under suspension on 26.11.2025 relatable to certain charges. The premise on which the disciplinary authority was encouraged to suspend the writ petitioner is the conclusions drawn in the inquiry report dated 08.09.2025. The inquiry report dated 08.09.2025 is Annexure-16 at page 99 and para 2 of the inquiry report dated 08.09.2025 as extracted hereinabove goes to show that there is no material to show that the writ petitioner was instrumental in taking illegal gratification. Further, the conclusions so drawn in the inquiry report dated 08.09.2025 itself shows that the writ petitioner was found taking of illegal gratification. Importantly, the report dated 08.09.2025 reveals that in the body of the report wherein facts and consideration is being shown there is no allegation that the writ petitioner indulged in illegal gratification while taking currency. However, in the concluding part of the report dated 08.09.2025 without there being any basis, it has been observed that the writ petitioner was found not only counting currency notes but also indulged in taking illegal gratification. Even otherwise, the Court finds that the earlier reports so made on the basis of the complaints of the complainant dated 24.01.2025, 13.02.2025 and 11.03.2025 have not been considered at all in the report dated 08.09.2025. Prima facie, the Court finds that on 05.12.2025, a charge sheet has been served upon the writ petitioner and looking into the overall fact situation, the Court finds that the continuance of the writ petitioner under suspension is unwarranted.

12. Accordingly, the writ petition is being decided in the following terms.-

(a) the order dated 26.11.2025 passed by Director, Administration,

Medical and Health Services, U.P., Lucknow is set aside; (b) since a copy of the charge sheet has been served upon the counsel for the writ petitioner along with instructions dated 16.12.2025 today itself, thus, it will be presumed that the writ petitioner has full knowledge of the charge sheet; (c) the writ petitioner shall file its objection to the charge sheet by 06.02.2026; (d) the Inquiry Officer shall conclude the inquiry within a period of three months from today. A statement has been made by learned Senior Counsel for the writ petitioner that the writ petitioner shall cooperate in the inquiry. Subsistence allowance shall be paid to the writ petitioner from the order dated 26.11.2025 placing the writ petitioner under suspension till revocation of the same i.e. till today. In case, the writ petitioner does not participate in the inquiry and takes unnecessary adjournments then it is open for the inquiry officer to conclude the proceedings.

13. With the above observations, the writ petition stands **disposed of**.

14. Instructions filed today are taken on record and marked as Appendix 'A'.

(Vikas Budhwar,J.)

January 16, 2026

Rajesh