



2026:AHC:9071

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19670 of 2025

Prakash Singh

.....Petitioner(s)

Versus

The State Of U.P. And 4 Others

.....Respondent(s)

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|---------------------------|------------------------------------------------------------|
| Counsel for Petitioner(s) | : Ambuj Maurya, Arya Gautam, Atipriya Gautam, Sr. Advocate |
| Counsel for Respondent(s) | : C.S.C.                                                   |

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**Court No. - 33**

**HON'BLE VIKAS BUDHWAR, J.**

1. Heard Sri Vijay Gautam, learned Senior Counsel assisted by Sri Ambuj Maurya, learned counsel for the writ petitioner and Sri Jitendra Prasad, learned Standing Counsel for the State.
2. Sri Jitendra Prasad, 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. With the consent of the parties, the writ petition is being decided at the fresh stage.
3. The case of the writ petitioner is that he was appointed on the post of Sub Inspector on 05.07.1995, however, while he was posted as Incharge Inspector, Thana Ghunchai, District Pilibhit, he has been placed under suspension in view of the provisions contained under Rule 17(1)(a) of the U.P. Police Officers of Subordinate Ranks (Punishment and Appeal) Rules, 1991 on 20.11.2025.
4. Questioning the suspension order, the present writ petition has been preferred.
5. Learned counsel for the writ petitioner has sought to argue that the impugned suspension order cannot be sustained for more than one reason firstly, though in the suspension order, it has been recited that inquiry is contemplated but while inviting attention towards page 27 of the paper book, a communication issued by the Additional Superintendent of Police, Pilibhit on 22.11.2025 addressed to the writ petitioner, he has been called within three days for preliminary inquiry and secondly, the entire allegations are

based upon news paper cuttings regarding cows slaughter and negligence on the part of the writ petitioner in not taking step to eliminate chances of the said incident. Learned counsel for the writ petitioner has placed reliance upon the judgment in the case of **Sachchidanand Tripathi Vs. State of U.P. & others: Writ-A No. 69308 of 2013** decided on 17.12.2023.

6. Learned Standing Counsel, on the other hand, submits that the charges are grave and serious, however, he could not dispute the fact that a preliminary inquiry has been conducted first and it is after getting the inputs, a decision is to be taken whether it is a case of suspension or not.

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

8. Apparently, the writ petitioner happens to be a Sub Inspector, his services are governed under the 1991 Rules. Plainly and simply, preliminary inquiry is to be conducted first and after obtaining the inputs a decision is to be taken whether it is a case of suspension or not. Here, in the present case, it is apparent from the suspension order dated 21.11.2025 recites that the inquiry is contemplated whereas on the next date i.e. 22.11.2025, the Additional Superintendent of Police, Pilibhit had required the presence of the writ petitioner for preliminary inquiry. In the opinion of the Court, preliminary inquiry is to be conducted first and after obtaining the inputs and being satisfied with the materials that there happens to be a case of suspension then the suspension order is to be passed. The said issue is no more *res integra* as the said issue is decided in the case of **Sachchidanand Tripathi (supra)**.

9. Accordingly, the impugned order cannot be sustained. The writ petition is **allowed**. The suspension order dated 21.11.2025 passed by Superintendent of Police, Pilibhit is set aside. Liberty is accorded to the respondents to pass a fresh order strictly in accordance with law within a period of two months.

**January 14, 2026**  
Rajesh

**(Vikas Budhwar,J.)**