



2026:AHC:4567

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 18571 of 2025

Jai Raj Tomar

.....Petitioner(s)

Versus

The State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anurag Prasad, Pradeep Kumar Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Pradeep Kumar Singh, learned counsel for the writ petitioner and Sri Gaurav Singh, learned Standing Counsel for the State.
2. A statement has been made by Sri Gaurav Singh, learned Standing Counsel that he is well equipped with the instructions and he is in a position to argue the case. He further submits that he does not propose to file any affidavit and the writ petition be decided on the basis of the documents available on record.
3. With the consent of the parties, the writ petition is being decided at the fresh stage.
4. The case of the writ petitioner is that he is presently posted as Deputy Controllor in Civil Defense. However, he has been placed under suspension on 28.11.2025 by Respondent no.1 based upon certain allegations which have no nexus to the allegations. Submission is that the writ petitioner has not committed any misconduct. It is contended that on 14.10.2025, the Special Secretary, State of Uttar Pradesh issued a communication to the Director of Civil Defense requiring to get an enquiry conducted on the complaint lodged by one Smt. Shakun wife of Bharat Ram Ahirwar and to tender the report within ten days. According to him, the said communication was received by the latter on 16.11.2025 and thereafter within one day, a report came to be submitted on 17.10.2025. Submission is that the said inquiry is nothing but a farce, as it is beyond imagination and humanly not possible to conduct an enquiry within a period of one day. Further submission is that the allegations contained in the suspension order are totally false, incorrect and they are not relatable to the writ petitioner. The

writ petitioner at no point of time dispensed with or renewed the tenure of Wards/ Swayam Sewaks as the said power vests with the Controller of Civil Defense. He seeks to rely upon the provisions contained under Section 5(1) and 6 of the Civil Defense Act 1968. He further submits that he is not vested with the power of transfer, renewal and dismissal of member of Civil Defense, thus he could not have been placed under suspension. Further submission is that at no point of time, the writ petitioner had demanded any illegal gratification and he had not in any manner whatsoever, tampered with the official documents and the pendency of a criminal case being Case Crime No. 367/2020, under Section 354-A, 354-B, 354-D, 388, 352, 452, 501, 120-B, 506 I.P.C. read with Section 66, 67 and 67-B of the I.T. Act is nothing but a classic example of personal vendetta.

4. Learned Standing Counsel on the other hand submits that whatever might be, once the suspension order has been passed containing the allegations, then this Court may not go into the merits of the allegations.

5. I have heard the submissions so made across the Bar and perused the record.

6. Apparently, the writ petitioner happens to be a Deputy Controller of the Civil Defense. He has been placed under suspension. It is not the case of the writ petitioner that he has been placed under suspension by an authority, who is not competent to suspend him. Furthermore, this Court in exercise of jurisdiction under Article 226 of the Constitution of India, is not required to go into the merits of the charges. This Court at this juncture while confronted with the challenge raised to the suspension order is to only see whether there was material before the Disciplinary Authority to suspend the writ petitioner. Prima facie, in the opinion of the Court, there are materials to place the writ petitioner under suspension.

7. In any view of the matter, this Court cannot usurp the authority and the jurisdiction of the Disciplinary Authority.

8. Interference is declined. Accordingly, writ petition is **disposed of** requiring the Disciplinary Authority to conclude the proceedings within a period of three months.

9. The writ petitioner shall be paid subsistence allowance subject to fulfillment of statutory requirements. The writ petitioner shall participate in

the inquiry.

10. The instructions dated 03.01.2025 is kept on record in the file along with the order sheet and marked as Appendix 'A'.

January 8, 2026
N.S.Rathour

(Vikas Budhwar,J.)