



2026:AHC:37953

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1474 of 2026

Durgesh Kumar Singh

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Uma Nath Pandey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Uma Nath Pandey, learned counsel for the petitioner and Sri Pramod Kumar Srivastava, learned Additional Chief Standing Counsel, who appears for State-respondents.

2. This court entertained this petition on 03.02.2026 while directing the learned Additional Chief Standing Counsel to obtain instructions and thereafter the matter was fixed for today. Instructions have been supplied by Sri Pramod Kumar Srivastava, 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 selected and appointed on the post of Village Development Officer in Block - Sadar, District Chandauli on 30.10.1999 thereafter he was transferred from Block Sadar to Block Barahani in the year 2008 and in the year 2016, he was again transferred to Block Sakaldiha. He came to be promoted on the post of Assistant Development Officer (Industry Service and Business) under the provisions of 1991 Rules on 27.05.2022. The writ petitioner submitted his joining before the Chief Development Officer, District Chandauli where he was working as Assistant Development Officer upto 30.05.2023 and thereafter he was transferred from Chandauli to Varanasi on 26.05.2023 and the writ petitioner was taken charge on 01.06.2023. According to the writ petitioner, the District Development Officer, Chandauli who had sent a letter dated

02.05.2025 to District Development Officer, Varanasi requesting him to direct the writ petitioner to take steps with respect to removal of the audit objections of the period of posting in Block Sakaldiha, District Chandauli. Thereafter the District Development Officer, Varanasi issued a notice to writ petitioner on 20.05.2025 by which a direction was issued to comply with the order passed by the District Panchayat Raj Officer, Chandauli for removal of the audit objection that after receiving the notice, the writ petitioner claims to have taken steps for removal of the audit objection in respect of the Gram Panchayat of Block Sakaldiha which relates to Financial Year 2017-18 to Financial year 2021-22. The writ petitioner claims to have submitted documents for removal of audit objections dated 24.05.2025, 22.11.2025 and 13.11.2025. Thereafter on 03.11.2025, a letter came to be sent by the Chief Development Officer, Chandauli to the Chief Development Officer, Varanasi for taking an appropriate disciplinary action against writ petitioner for not having taken steps for removal of the audit objections and based upon the same, now the order came to be passed on 12.01.2026 wrongly typed as 13.01.2025 placing the writ petitioner under suspension.

4. Questioning the same, the writ petitioner has been filed the present writ petition.

5. Post passing of the order, today instructions have been forwarded under the signature of Commissioner, Gram Vikash, Uttar Pradesh, dated 18.02.2026 which is taken on record and marked as Appendix B.

6. Learned counsel for the writ petitioner has submitted that the suspension order cannot be sustained. Submission is that as soon as the writ petitioner was put to notice about submission of the documents for removal of the audit objections, the writ petitioner took steps as in this regard., according to writ petitioner, post issuance of a letter dated 02.05.2025, a notice was issued to writ petitioner on 20.05.2025 to which the writ petitioner tendered his reply while submitting papers relatable to removing of the audit objection which is Annexure-5 to the writ petitioner starting from the date 24.05.2025 in that regard. Submission is that suspension order has been passed without going into the correctness of the allegations and documents available on record, particularly, when there were ample documents available on record which could demonstrate that he had submitted all the documents which in his hand, could have been submitted for removing of the objections. He further submits that the impugned suspension order has

been passed in a routine manner and that too on the basis of a certain allegations which are totally non-existing.

7. Sri Pramod Kumar Srivastava, learned Additional Chief Standing Counsel based upon the instructions dated 18.02.2026 submits that the writ petitioner have been placed under suspension on the basis of the inputs so provided by the Officer in Chandauli, particularly, when the allegations remained with respect to the posting of the writ petitioner in Chandauli and as many as 9 letters were sent for removing the audit objections but the petitioner did not remove the same.

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

9. Apparently, the writ petitioner happens to be the Assistant Development Officer. His services stands regulated under the provisions of Uttar Pradesh Government Servant (Discipline and Appeal) Rules, 1999. It is not the case of the writ petitioner that he has been placed under suspension by the authority who is not competent. The allegations so leveled against the petitioner for placing him under suspension is relatable to the posting of the petitioner as Gram Vikas Adhikari in Vikas Khand Sakaldiha, District Chandauli wherein despite letters so issued to the petitioner while he was posted consequent to the transfer at Varanasi for removing audit objection, the petitioner did not remove the audit objection. Though the petitioner submits that for the very first time, he could know about removal of the audit objection on 20.05.2025 and the petitioner thereafter removed the said objections and the same, according to the petitioner, stands noticed at page-50 of the paper book being a communication of the District Panchayatraj Officer, Chandauli dated 11.06.2025, however, this Court is not required to delve into the said aspect of the matter while giving a definite finding upon the issue whether the documents so submitted by the petitioner for removing of the objections were adequate or not. What is apparent from the suspension order is a communication dated 03.11.2025 of the Chief Development Officer, Chandauli alleging that the petitioner has not given explanation and submitted documents for removal of the audit objections.

10. This Court under Article 226 is not required to make a fact finding inquiry as what would be relevant would be there was material available for the appointing/ disciplinary authority so as to take decision for suspending

the petitioner or not.

11. Plainly and simply, the suspension order recites that the appointing authority had placed the petitioner under suspension on the allegation that the audit objection despite letters being written had not been removed. Be that as it may be, it cannot be said that no material was available with the disciplinary authority.

12. Considering the submission so made across the bar, *prima facie*, this Court does not find any illegality in suspending the petitioner. Accordingly, interference is declined.

13. This Court finds that on 17.02.2026, a charge-sheet has been served upon the petitioner.

14. Looking into the fact that already a charge-sheet issued to the petitioner which has been annexed at page-17 of the instructions, let a copy of the instructions be served upon the learned counsel for the writ petitioner.

15. Treating the service of the charge-sheet dated 17.02.2026 as of today, the disciplinary authority is directed to conclude the disciplinary proceedings within a period of three months today, the petitioner shall cooperate with the disciplinary proceedings and in case despite cooperation of the petitioner in the disciplinary proceedings, the inquiry proceeding is not concluded within a period of three months, the petitioner shall be reinstated in service.

16. The petitioner shall be paid subsistence allowance subject to fulfillment of the rules.

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

February 19, 2026

Ashu

(Vikas Budhwar,J.)