



2026:AHC:22133

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1188 of 2026

Pushpendra Kumar Sharma

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

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|---------------------------|---|--------------|
| Counsel for Petitioner(s) | : | Shyam Sunder |
| Counsel for Respondent(s) | : | C.S.C.       |

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Court No. - 33

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

1. Heard Sri Shyam Sunder, learned counsel for the writ petitioner and Sri Gaurav Singh, learned Standing Counsel for the State.

2. Sri Gaurav Singh, learned Standing Counsel has made a statement at bar that he is possessed 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 the fresh stage.

3. The case of the writ petitioner is that while the writ petitioner was posted as Peon, he has been placed under suspension on 29.11.2025.

4. Questioning the suspension, 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 particularly when there is no recital in the suspension order about pendency or contemplation of any departmental inquiry. He seeks to rely upon a decision of this Court in **Writ A No. 56853 of 2009 (Meena Tiwari Vs. Union of India)** decided on 22.10.2013 and **Writ-A No. 18148 of 2012 (Puran Singh Vs. State of U.P. and others)** decided on 11.04.2012.

6. Learned Standing Counsel, on the other hand, submits that there are serious charges against the writ petitioner, however, he could not point

out that there is any recital contained in the impugned suspension order or contemplation or pendency of inquiry, however, according to him on 30.01.2026 the order has been passed for holding of departmental inquiry.

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

8. Rule 4 of the U.P. Government Servant (Discipline and Appeal) Rules provides for suspension, according to which a suspension can only be resorted to, in case, an inquiry is contemplated or pending against the delinquent. Here, the Court finds that the order impugned does not show that there is any inquiry pending or contemplated. In the opinion of the Court as held in **Meena Tiwari (supra)** and **Pooran Singh (supra)**, the requirement of contemplation or pending inquiry and since according to learned Standing Counsel fresh orders will be passed, thus, the order impugned cannot be sustained.

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

(a) the order dated 29.11.2025 passed by third respondent, Deputy Commissioner, Administration, State Tax, Agra is set aside;

(b) leaving it open for the respondent to pass a fresh order strictly in accordance with law.

10. With the aforesaid observations, the writ petition stands **disposed of**.

11. Instructions filed today is taken on record and marked as Appendix 'A'.

**(Vikas Budhwar,J.)**

**February 2, 2026**

Rajesh