



2026:AHC:42153

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2784 of 2026

Rakesh Roshan Saini

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Prashant Mishra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Prashant Mishra, 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 that he is well equipped with the instructions and is in a position to argue the case. He does not propose to file any counter affidavit and he further submits that 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 happens to be a State Tax Officer, Khand-II Mainpuri, however, he has been placed under suspension owing to lodging of an FIR No.11 dated 17.03.2025 under Sections 318 (4), 338, 336(3), 340(2), 61(2) of BNS on the ground that the writ petitioner stood arrested on 26.03.2025 while applying principle of deemed suspension. The provisions of deemed suspension falls under Rule 4(3)(a) of the Uttar Pradesh Government Servant (Discipline and Appeal) Rules 1999. According to the writ petitioner, post enlargement on bail, the writ petitioner preferred an application seeking revocation of the suspension order, but no decision has been taken thus far. The writ petitioner confines his prayer for disposal of the claim set up by the writ petitioner for revocation of the suspension.

5. Learned Standing Counsel on the other hand submits that whatever might be, a conscious well informed decision is to be taken by Respondent no.2,

Commissioner, State Tax, Uttar Pradesh, Lucknow.

6. Bearing in mind the aforesaid factual position, the writ petition stands **disposed of** granting liberty to the writ petitioner to prefer a comprehensive representation along with self attested copy of the writ petition and the certified copy of the order before Respondent no.2 by 13.03.2026, who on the said motion shall pass an order strictly in accordance with law within a period of one month, from the date of production of certified copy of the order.

7. It is also clarified that in case the writ petitioner is not being paid subsistence allowance, the writ petitioner shall be paid the same subject to fulfillment of statutory formalities.

February 25, 2026

N.S.Rathour

(Vikas Budhwar,J.)