



2026:AHC:35858

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 17985 of 2025

Yogendra Kumar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Umesh Chandra Prajapati
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Umesh Chandra Prajapati, learned counsel for the writ petitioner and Sri Piyush Shukla, learned Standing Counsel for the State.
2. The case of the writ petitioner is that the writ petitioner happens to be a Safai Karmchari (sweeper). Owing to languishing in jail from 23.1.2023 to 17.03.2023 in Case Crime no. 160 of 2021, under Sections 406, 420, 467, 468, 471, 504, 506 and 120-B IPC, the writ petitioner has been placed under suspension on 21.04.2023.
3. Questioning the suspension order, the present writ petition has been preferred.
4. This Court entertained the writ petition and required the instructions from the learned Standing Counsel.
5. The instructions have been forwarded today and the same are taken on record and marked as Appendix 'B'.
6. Learned counsel for the writ petitioner has sought to argue that the writ petitioner had been placed under suspension without there being any basis. There is no misconduct in that regard. Further submission is that the writ petitioner had been confined in jail in a false case, to which the writ petitioner has no nexus with reality.
7. Sri Piyush Shukla, learned Standing Counsel has submitted that a bare perusal of the suspension order would reveal that the writ petitioner has been placed under suspension on the ground that the writ petitioner with relation to the certain criminal case was in jail from 23.01.2023 to 17.03.2023 and

further now, a charge sheet has been issued on 11.12.2025 and it is for the writ petitioner to face the inquiry.

8. I have heard the submissions so made across the Bar and perused the records.

9. Apparently, the writ petitioner happens to be a Safai Karmchari/sweeper. He had been placed under suspension on the allegation that the writ petitioner was in jail from 23.01.2023 to 17.03.2023 in Case Crime no. 160 of 2021, under Sections 406, 420, 467, 468, 471, 504, 506 and 120-B IPC. The impugned suspension order shows that the criminal case has been lodged against the writ petitioner. As a matter of fact, it cannot be said that the suspension order can be passed on the basis of certain events, which are not in existence, particularly when there is a clear cut allegation in the suspension order that the writ petitioner on account of the fact that he was in jail, he has been placed under suspension. Sub-Rule (3)(a) of Rule 4 of the U.P. Government Servant (Discipline and Appeals) Rules, 1991 itself provides for such a contingency. Since a charge sheet has already been served, it is for the writ petitioner to face the inquiry.

10. Accordingly, the writ petition stands **disposed of** with a direction to the Disciplinary Authority to get the inquiry conducted and concluded within a period of three months from the date of production of certified copy of the order, subject to cooperation of the writ petitioner. The writ petitioner shall be paid subsistence allowance as per Rules.

February 18, 2026

N.S.Rathour

(Vikas Budhwar,J.)