



2026:AHC:67815

HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 4451 of 2026

Jamuna Prasad

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shivangi Rai, Sujeet Kumar Rai
Counsel for Respondent(s)	:	C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. Heard Ms. Shivangi Rai and Sri Sujeet Kumar Rai, learned counsel for the petitioner and learned Standing Counsel for the respondents.

2. The order of suspension dated 30.12.2025 passed by the respondent No.3/Additional Commissioner & Additional Registrar (Administration) Co-operative Societies Lucknow is under challenge.

3. The aforesaid order has been passed in terms of Rule 7 read with Rule 4 of U.P. Government Servant (Discipline and Appeal) Rules, 1999. Rule 7 of Rules, 1999 provides the procedure for holding an inquiry before imposing major penalties and Rule 4 of Rules, 1999 provides for suspension according to which a Government Servant against whose conduct an inquiry is contemplated, or is proceeding may be placed under suspension pending the conclusion of the inquiry in the discretion of the Appointing Authority. The first proviso of the Rule 4 provides that suspension should not be resorted to unless the allegations against the Government Servant are so serious that in the event of their being established may ordinarily warrant major penalty. Rule 4 of Rules, 1999 reads as follows:-

4. Suspension-(1) A Government Servant against whose conduct an inquiry is contemplated, or is proceeding may be placed under suspension pending the conclusion of the inquiry in the discretion of the Appointing Authority:

Provided that suspension should not be resorted to unless the allegations against the Government Servant are so serious that in the event of their being established may ordinarily warrant major penalty:

4. From perusal of the order impugned, it is clear that the aforesaid order has been passed by respondent No.3 on the ground that certain loan was taken by the petitioner which was not repaid by him. It is stated in the order impugned that a letter has been written by the Assistant Commissioner & Assistant Registrar, Co-operative Societies Prayagraj on 19.12.2025 stating therein that the petitioner has taken a loan on 30.11.2025 after adding principal amount and interest total Rs.23,33,070/- . The relevant portion of the order date 30.12.2025 reads as follows:-

सहायक आयुक्त एवं सहायक निबन्धक, सहकारिता, जनपद-प्रयागराज के पत्रांक 3097/सह0-वे0भो0 दिनांक 19.12.2025 द्वारा अवगत कराया गया है कि श्री जमुना प्रसाद, प्रधान सहायक द्वारा कार्यालय जिला सहायक निबन्धक कर्मचारी वेतन भोगी सहकारी समिति लि० प्रयागराज से लिये गये ऋण (दिनांक 30.11.2025 तक मूलधन रु० 1883831.00, ब्याज रु० 449239.00 कुल रु० 2333070.00) का भुगतान न किये जाने, आयुक्त एवं निबन्धक, सहकारिता, उ०प्र०, लखनऊ के कार्यालय पत्रांक सी-39/अधि04/वे0भो0/दिनांक 27.11.2019 का विचलन एवं कर्मचारी आचरण नियमावली के विपरीत आचरण किया गया है।

5. From perusal of the record, it is clear that the order impugned has not been passed on the ground that any inquiry is contemplated against the petitioner and the order of suspension has been passed only on the ground that loan was not repaid. Even assuming that the allegations made against the petitioner is correct, no major penalty could be imposed upon the

petitioner.

6. Learned Standing Counsel prays for and is granted two weeks time to file personal affidavit of respondent No.3/Additional Commissioner & Additional Registrar (Administration) Co-operative Societies Lucknow that under what circumstances and under which authority of law, such kind of suspension order has been passed by him.

7. List this case on 21.04.2026.

8. Till the next date of listing, the effect and operation of the order of suspension dated 30.12.2025 passed by the respondent No.3 (Annexure No.1) shall remain stayed.

(Prakash Padia,J.)

March 31, 2026

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