



2026:AHC:38038

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1738 of 2026

Chandra Kant Jadon

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Arpan Kumar Pandey, Namit Srivastava
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Namit Srivastava, 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 06.02.2026 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 while the writ petitioner was posted as Head Constable in Police Line, District Fatehgarh, he was transferred on 18.08.2025 as Head Moharrir Malkhana, Police Station Kaimganj, District Fatehgarh. Alleging the fact that the writ petitioner refused to take charge the impugned suspension order dated 15.09.2025 came to be passed placing the writ petitioner under suspension in view of the provisions contained under Section 17(1)(a) of the Uttar Pradesh Police Officers of the Subordinate Rank (Punishment & Appeal) Rules, 1991.

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 Superintendent of Police, Fatehgarh, dated 17.02.2026 which is taken on record and marked as Appendix A.

6. Learned counsel for the writ petitioner has submitted that the order impugned cannot be sustained even for the simple reason that the charges, if any, do not constitute any misconduct, so as to place the writ petitioner under suspension. Submission is that to the extent also that the petitioner worked on 15.09.2025 and due to some illness, he took a leave and based upon the said fact the petitioner has been placed under suspension.

7. Learned Additional Chief Standing Counsel on the other hand submits that on 17.02.2026, a show cause notice has been issued under sub-Rule (2) of Rule 14 of the 1991 rules, requiring the petitioner to tender reply and it is for the writ petitioner to submit his reply to the show cause notice.

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

9. Apparently, the writ petitioner happens to be governed by the provisions contained under Uttar Pradesh Police Officers of the Subordinate Rank (Punishment & Appeal) Rules, 1991, though the petitioner was placed under suspension on 15.09.2025, however, as per the instructions at page-8, dated 17.02.2026, the Superintendent of Police, Fatehgarh has issued a show cause notice under Rule 14(2) of the 1991, Rules. As a matter of fact sub-Rule (2) Rule 14 read with Rule 5(2) of the 1991, Rules would reveal that the petitioner has been proceeded for imposition of minor penalty.

10. In the opinion of the Court, bearing in mind the fact that already a show cause notice has been issued requiring the petitioner to submit its reply with respect to allegations contained in the show cause notice for imposition of minor penalty in terms of provisions contained under sub-Rule (2) read with Rule 14 of the 1991, Rules. This Court does not find the suspension to be continued in that regard.

11. Accordingly, the writ petition is being decided in the following manner:

(a). The suspension order dated 15.09.2025 suspending the writ petitioner passed by the Superintendent of Police, Fatehgarh is set aside, the petitioner shall be reinstated in service.

(b) The petitioner shall be paid subsistence allowance as per the rules subject

to statutory compliances for the period when he was on suspension, if not paid.

(c) The petitioner shall respond to the show cause notice dated 17.02.2026 by 13.03.2026 and the final orders be passed within a period of one month thereafter.

12. Since the copy of the instructions have been served upon the learned counsel for the petitioner, thus it would be deemed that the petitioner has knowledge about the show cause notice.

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

February 19, 2026

Ashu

(Vikas Budhwar,J.)