



2026:AHC:41765

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19305 of 2025

Faheem Ahmad

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Bansh Gopal Mishra, Sudhanshu Pandey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Sudhanshu Pandey, learned counsel for the writ petitioner and Sri R.S. Umrao, learned Standing Counsel for the State.

2. The case of the writ petitioner is that he was initially appointed on the post of Junior Engineer in Irrigation Department on 22.08.2006 and thereafter he was transferred from Lucknow to District Mahoba under the supervision of Executive Engineer, Irrigation Department, Mahoba on 04.08.2022. The petitioner claims to have been allotted work at Ainjhi and Bivar (Sub-Division II) by the order of Executive Engineer, Irrigation Division, Mahoba on 03.11.2022 and the writ petitioner took the charge. However, writ petitioner was placed under suspension on 05.12.2025 by the Engineer-in-Chief, Irrigation and Water Resources Department, U.P. Lucknow in contemplation of the inquiry under Rule 7 of the U.P. Government Servant (Discipline and Appeal) Rules, 1991.

3. Questioning the said order, present writ petition has been preferred.

4. This Court entertained the writ petition on 19.12.2025, wherein following orders were passed:-

"1. Contention of the learned counsel for the writ petitioner is that the writ petitioner happens to be Junior Engineer and he has nothing to do with respect to awarding of contract or issuance of a consequential order. It is also the contention that the Contractor preferred Writ-C No.25835 of 2025, wherein only a direction was given for payment of the contractual amount, however, without bringing any iota of evidence, the writ petitioner has been placed under suspension.

2. Sri R.S. Umrao, learned Standing Counsel seeks time to obtain instructions.

3. Put up this case on 07.01.2026, as fresh."

5. Thereafter on 16.02.2026, this Court proceeded to pass the following orders:-

"1. In terms of the previous order, learned Standing Counsel for the State has submitted the written instructions dated 05.01.2026. According to para-2 of the same, the petitioner herein as well as another Assistant Engineer Sri Shailendra Kumar got the repair work done with the private contractor and thereafter had divided the said contract in nine parts and without following the tender process the work has been got done with the approval of the Executive Engineer, Sri Sanjay Prasad. Vide impugned order dated 05.12.2025, the petitioner herein has been suspended and has been attached to Executive Engineer, Research and Employment Division, Jhansi,

2. Learned counsel for the petitioner submits that since then neither the subsistence allowance has been paid nor any charge sheet has yet been issued to the petitioner herein. In the instructions also, there is no mention whether any charge sheet has been issued to the petitioner till date or any subsistence allowance has been paid to the petitioner nor there is any reference with regard to any action being taken against the Assistant Engineer, Sri Shailendra Kumar as well as the Executive Engineer, Sri Sanjay Prasad, who were also responsible in terms of para-2 of the instructions for the aforesaid act.

3. In view thereof, learned Standing Counsel for the State is directed to take appropriate instructions positively within a week.

4. Put up this matter on 24.02.2026 as fresh before the appropriate Bench. Interim order, if any, granted earlier is extended till the next date of listing."

6. Learned counsel for the writ petitioner has sought to argue that the impugned order cannot be sustained for the simple reason that the writ petitioner herein is a Junior Engineer and the allegations are referable to laying down hume pipes, protection wall, pitching and other works relatable to Arjun Mukhya Nahar from Kms. 36.710 to 36.740 with regard to granting undue benefits to contractors and also duping the State Exchequer has got no co-relation with the writ petitioner, particularly when it is the Executive Engineer and the Superintending Engineer, who were responsible for making the payment. Submission is that the writ petitioner has been singled out whereas other officers, who are over the helm of the affairs they had not been suspended or departmentally proceeded.

7. Contention is that the writ petitioner was doing those works, which were allotted to him under the dictates of the superior authority. He had done those acts, which were official in nature in that regard. Further submission is

that though in the instructions so provided by the respondents, allegations of segregating the tenders in numbers, but the tenders at no point of time either prepared or floated by the writ petitioner. Contention is that though the suspension order is dated 05.12.2025, but till date, no charge sheet has been issued and further the allegation of granting undue benefits to the contractors itself stands extinguished for the simple reason that M/s Om Babba Constructions who is alleged to be a contractor had preferred Writ-C No.25835 of 2025 before this Court seeking a direction for making of the payment. Thus there is no question of duping the State Exchequer. Learned counsel for the writ petitioner further submits that the writ petitioner is not shy to face the departmental proceedings, thus the suspension order cannot be continued.

8. Sri R.S. Umrao, learned Standing Counsel on the basis of the instructions so produced by him on 05.01.2026 and 25.02.2026 has submitted that the writ petitioner has committed misconduct pursuant where to he has been placed under suspension. Contention is that the writ petitioner has done the measurement work and on his recommendation, the payments have been made and further according to him, the writ petitioner was also instrumental in floating the tender while dividing the said contracts into nine parts without following the tender process. He further submits that it is not the case, wherein only the writ petitioner has been singled out by being placed under suspension, but Sri Sanjay Prasad who happens to be the then Executive Engineer, he has been subjected to departmental proceedings.

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

10. Apparently, the writ petitioner happens to be a Junior Engineer whose services stands regulated under the provisions of Uttar Pradesh Government Servants (Discipline and Appeal) Rules, 1999. It is not the case of the writ petitioner that he has been suspended by an authority, who was not competent to place him under suspension. Apart from the same, the suspension order itself goes to show that the inquiry is contemplated in that regard. As regards the allegations contained in the suspension order are concerned, this Court at this juncture is not required to delve into merits of the allegations as the same are subject matter of inquiry. The question might have been different, in case there was no material available with the Disciplinary Authority so as to take a decision for placing the Government

Servant under suspension. However, the position is converse, particularly when the allegations are relatable to extension of undue benefits to the contractor with regard to laying down of hume pipes, protection wall with respect to the Arjun Mukhya Nahar Kms. 36.710 to 36.740 in that regard. In any view of the matter, whether the allegations are correct or not, are not to be dealt with in the present proceedings at this stage, when suspension order is under challenge. Moreover, the Court finds that there was materials available with the Disciplinary Authority for placing the writ petitioner under suspension, as this Court cannot travel into the mind of the Disciplinary Authority while questioning the decision whether the suspension order was justified or not, particularly when there are materials recited in the order. As regards the allegations of discrimination that the writ petitioner has been singled out in the matter of suspension is concerned, the instructions dated 26.01.2026, para-4, of Executive Engineer Mahoba itself show that the then Executive Engineer, Sri Sanjay Prasad has been departmentally proceeded with.

11. On a pointed query, being raised to the learned Standing Counsel whether charge sheet has been prepared and served upon the writ petitioner, the answer is that the charge sheet has been sent for approval before the Disciplinary Authority and the same shall be served upon the writ petitioner shortly. Sri R.S. Umrao, learned Standing Counsel has also made a statement at Bar as per the instructions so received by him that the writ petitioner is being paid the subsistence allowance also.

12. Bearing in mind the aforesaid fact situation, this Court *prima facie* does not find any illegality committed by the respondents in placing the writ petitioner under suspension.

13. Accordingly, interference is declined. The writ petition is **disposed of** requiring the disciplinary authority to get served the charge sheet upon the writ petitioner by 13.03.2026 and the disciplinary proceeding shall be concluded against the writ petitioner by 30.05.2026. The writ petitioner shall participate in the inquiry proceedings and shall be paid subsistence allowance subject to fulfillment of statutory requirement. In case, the despite the cooperation by the writ petitioner, the inquiry is not concluded within the time stipulated by this Court, then the suspension order shall be revoked by the respondents.

14. The instructions filed today are taken on record and marked as Appendix 'A' and 'B'.

February 24, 2026
N.S.Rathour

(Vikas Budhwar,J.)