

Keeping Disciplinary Proceedings Pending Against Employee After 1.5Yrs Of Inquiry Report Submission 'Unreasonable': Allahabad HC

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HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

ALOK MATHUR, J.

WRIT A. No. 2670 of 2022; 15.11.2022

Yatendra Kumar

versus

State of U.P. Thru. Addl. Chief Secy./Prin. Secy. Public Works Deptt. Lko. And 4 Others

Counsel for Petitioner: - Shivanshu Goswami

Counsel for Respondent: - C.S.C., Shishir Jain

1. Heard Sri S.C. Misra, learned Senior Advocate assisted by Sri Shivanshu Goswami, learned counsel for the petitioner as well as learned Standing Counsel for respondent nos. 1, 2 and 4 and Sri Shishir Jain, Advocate has accepted notice on behalf of respondent nos. 3 and 4.
2. By means of present writ petition the petitioner has assailed order dated 01.06.2020, passed by the State Government suspending the petitioner in contemplation of departmental proceedings initiated against him, who at the relevant time was working on the post of General Manager, Ayodhya Division, U.P. Nirman Nigam Ltd.
3. It has been submitted by learned counsel for the petitioner that charge sheet was submitted to the petitioner on 25.11.2020, in pursuance to which petitioner submitted his reply on 22.01.2021. According to the petitioner inquiry proceedings have not been concluded despite the inquiry report having been submitted to the Disciplinary Authority in March, 2021, but till date show cause notice has neither been given to the petitioner nor disciplinary proceedings have been concluded.
4. It is next submitted by learned counsel for the petitioner that petitioner has been kept under suspension for more than one and half years which is an extremely long time and till date disciplinary proceedings have not been concluded. There is no reason to keep the petitioner under suspension for such a long period, as petitioner would be superannuated on 31st December, 2022 and likely to retire during his suspension, which will adversely effect his post retiral dues and other service benefits admissible to him, to which he would have been entitled in absence of suspension order.
5. Considering the submissions of learned counsel for the petitioner, this Court is of the view that the pendency of disciplinary proceedings where inquiry report has been submitted more than one and half years back, which is extremely unreasonable long time for the disciplinary proceedings to remain pending. It is also noticed that in case inquiry report was submitted in March, 2021, there seems to be no reason as to why disciplinary proceedings have not been concluded within a reasonable time, thereafter.
6. This Court by its previous order had directed learned Standing Counsel to seek instructions with regard to the reasons for pendency of disciplinary proceedings against the petitioner for such a long length of time.
7. Instructions from the State Government have been forwarded to the learned Standing Counsel on 14.11.2022. The instructions are taken on record. In the instructions it has been stated that inquiry report was submitted on 18.03.2021 and report of SIT was

also received on 30.05.2022 and it is stated that two weeks time is required for passing final orders in the matter.

8. Considering the fact the disciplinary proceedings are in the final stage and also in the light of request made in the instructions received by learned Standing Counsel, the writ petition is **disposed of** with direction to the competent authority to conclude the inquiry proceedings within maximum period of three weeks from the date of production of certified copy of this order before the competent authority/disciplinary authority.

9. In case disciplinary proceedings are not concluded within the time prescribed above, the impugned order of suspension dated 01.06.2020, would cease to exist.

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