

Court No. - 34

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Case :- WRIT - A No. - 7412 of 2021

Petitioner :- Dr. Kafeel Ahmad Khan

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Manish Kumar Nigam, Manoj Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Yashwant Varma, J.

Heard Sri Manish Kumar Nigam, learned counsel for the petitioner and the learned Standing Counsel.

The petitioner challenges an order of suspension dated 22 August 2017. An additional challenge is made to an order of 24 February 2020 passed by the Disciplinary Authority which has while accepting the report submitted by the Enquiry Officer in part and dissenting with the findings returned by the Enquiry Officer in respect of two charges, directed a further enquiry to be conducted.

Insofar as the issue of suspension is concerned, the Court notices that the petitioner was constrained to approach this Court earlier by filing Writ-A No.3511 of 2019 on the ground that although he had been suspended way back in the year 2017, yet the enquiry proceedings had not been concluded till the filing of that petition. By an order of 07 March 2019 that petition was disposed of with a direction to the respondents to conclude the enquiry within three months. The Court is informed that pursuant to that direction the Enquiry Officer submitted his report on 15 April 2019. The disciplinary authority however chose to pass the impugned order after almost 11 months. The delay in taking further action on the part of the disciplinary authority is not explained. The respondents are also obliged to justify the continuance of the order of suspension which has continued for more than 4 years. Learned counsel also assails the impugned order on the ground of it being unsustainable in view of the principles enunciated in **Punjab National Bank Vs. Kunj Behari Misra [(1998) 7 SCC 84]**.

Learned Standing Counsel prays for time to obtain instructions and address submissions.

Include in the additional cause list of 05 August 2021.

Order Date :- 29.7.2021

Rakesh