

Asha Ram Vs State of U.P. and Others

Court: Allahabad High Court

Date of Decision: Jan. 17, 2002

Citation: (2002) 1 AWC 809 : (2002) 92 FLR 961 : (2002) 3 LLJ 107 : (2002) 1 UPLBEC 922 : (2002) 1 UPLBEC 753

Hon'ble Judges: S.K. Singh, J; M. Katju, J

Bench: Division Bench

Advocate: Murlidhar and R.P. Singh, for the Appellant; C.S.C., for the Respondent

Final Decision: Disposed Of

Judgement

M. Katju and S.K. Singh, JJ.

Heard learned counsel for the parties.

2. The petitioner is challenging the suspension order dated 28.4.2001. We have perused the impugned suspension order and we find that serious

allegations of financial irregularities have been made in the same. Hence we are not inclined to interfere with the impugned order.

3. Learned counsel for the petitioner referred to the G.O. dated 31.3.1984. Annexure-4 to the writ petition in which it has been mentioned that if

the charge-sheet has not been served within six months the suspended employee should be reinstated. In our opinion, this G.O. is only directory

and not mandatory. There may be cases where very serious allegations are made against a person and that person may be of such a nature that he

manages to see to it that charge-sheet is not served on to him within six months and then he may claim that he should be automatically reinstated.

We do not accept this argument of the learned counsel for the petitioner.

4. However, on the facts and circumstances of the case we direct that the charge-sheet should be issued to the petitioner preferably within three

weeks of submission of a certified copy of this order before the authority concerned and the enquiry should be completed preferably within three

months thereafter in accordance with law. The petition is disposed of.