

Asha Ram Vs. State of U.P. and ors.

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Court : Allahabad

Decided On : Jan-17-2002

Reported in : 2002(1)AWC809; [2002(92)FLR961]; (2002)IIILLJ107All;
(2002)1UPLBEC753

Judge : M. Katju and ;S.K. Singh, JJ.

Appeal No. : C.M.W.P. No. 2424 of 2002

Appellant : Asha Ram

Respondent : State of U.P. and ors.

Advocate for Def. : C.S.C.

Advocate for Pet/Ap. : Murlidhar and ;R.P. Singh, Adv.

Judgement :

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

1. 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.

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