

**Krishna Kumar Vs. State of U.P. and ors.**

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**SooperKanoon Citation :** [sooperkanoon.com/490318](http://sooperkanoon.com/490318)

**Court :** Allahabad

**Decided On :** Mar-20-2003

**Reported in :** (2003)2UPLBEC1118

**Judge :** Anjani Kumar, J.

**Acts :** [Constitution of India](#) - Article 226; Uttar Pradesh Subordinate Police Officers (Punishment and Appeal) Rules, 1991

**Appeal No. :** Civil Misc. Writ Petition No. 12246 of 2003

**Appellant :** Krishna Kumar

**Respondent :** State of U.P. and ors.

**Disposition :** Writ petition dismissed

**Judgement :**

**Anjani Kumar, J.**

1. Heard learned Counsel appearing on behalf of the petitioner and the learned Standing Counsel for the Respondents. In view of the order that I purpose to pass, it is not necessary to invite a counter affidavit.

2. The petitioner, by means of present writ petition under Article 226 of the [Constitution of India](#), has challenged the order dated 21st February, 2003, passed

by Respondent No. 2, copy whereof has been annexed as Annexure-6 to the writ petition, whereby the Commandant, 38th Battalion, P.A.C. Aligarh informed the petitioner that under the provisions of U.P. Subordinate Police Officers (Punishment and Appeal) Rules, 1991, departmental enquiry will be conducted against the petitioner by me. It is this order, which is under challenge by means of present writ petition.

3. Learned Counsel appearing on behalf of the petitioner giving reference of Annexure-'2' to the writ petition, which is a copy of the letter/complaint dated 18th April, 2000 on the basis of which a F.I.R. has been lodged against the petitioner on 23rd October, 2000, has relied upon a decision reported in II (1998) All India Administrative Tribunal Law Times (SC) 468, Kusheshwar Dubey v. Bharat Coking Coal Ltd. and Ors., in Civil Appeal No. 3129 of 1988 (S.L.P.(C) 10467 of 1987), decided on 6th September, 1988, wherein the Apex Court has ruled 'As we have already stated that it is neither possible, nor advisable to evolve a hard and fast, straight-jacked formula valid for all cases and of general application without regard to the particularities of the individual-situation. For the disposal of the present case, we do not think it necessary to say anything more, particularly when we do not intend to lay down any general guideline.'

4. In this view of the matter, the argument advanced on behalf of learned Counsel for the petitioner that since the criminal proceedings are pending, the departmental proceedings must be stayed, cannot be accepted. This writ petition being devoid of any merits is accordingly dismissed. However, the parties shall bear their own costs.