2026:AHC:212079

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 16696 of 2026

Akhilesh Kumar

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Pranesh Kumar Mishra
Counsel for Respondent(s)	:	C.S.C., Devesh Vikram

Court No. - 32

HON'BLE DINESH PATHAK, J.

1. Heard learned counsel appearing for the petitioner; learned Standing Counsel appearing on behalf of respondent no.1, and Shri F. A. Ansari, learned Advocate holding brief of Shri Devesh Vikram, learned counsel appearing on behalf of respondent no.2.

2. The petitioner is aggrieved by the order dated 17.09.2026, whereby he has been placed under suspension. Precise contention raised by learned counsel for the petitioner is that the competent authority has passed the suspension order in violation of the proviso to Rule 4(i) of the U.P. Power Corporation Limited Employees (Discipline & Appeal) Regulations, 2020 (in brevity 'Regulations, 2020". He submits that under Regulation 4(i) of the Regulations, 2020, the appointing authority, or any other authority on his instructions/delegation, has the discretion to place an employee under suspension from his post during the pendency of disciplinary inquiry. However, a condition has been imposed through the proviso, appended thereto, that the power of suspension ought not to be exercised unless the allegations against the employee are of such serious nature that in the event of their being established, they would ordinarily warrant imposition of a major penalty.

3. Learned counsel for the petitioner further submits that neither has the disciplinary authority been appointed nor has the charge-sheet been served upon the petitioner.

4. Learned counsel appearing on behalf of the respondents has placed a copy of instructions, today before the Court, which is taken on record. Office is directed to proceed accordingly. He, on the basis

of instructions, submits that the enquiry officer has now been appointed vide order dated 01.10.2026 and the charge-sheet has been prepared and sent to the competent authority for approval. It is further contended that the disciplinary proceedings shall be concluded at the earliest.

5. Having considered the rival submissions advanced by the learned counsel for the parties and upon perusal of record, and having regard to the provisions enunciated under proviso to Regulation 4(i) of the Regulations, 2020, this Court is of the considered opinion that no useful purpose would be served by keeping the instant writ petition pending. Accordingly, without expressing any opinion on the merits of the case, this Court deems it appropriate to finally dispose of the instant writ petition with the following directions :-

(i) The contesting respondents shall serve the memo of charges upon the petitioner, within twenty days from today.

(ii) The petitioner shall file his detailed reply/defence to the memo of charges served upon him within a period of 15 days from the date of receipt thereof.

(iii) Upon receipt of the reply submitted by the petitioner, the disciplinary authority shall make every endeavour to conclude the disciplinary proceedings within a period of six months thereafter, after affording the petitioner due and proper opportunity of hearing.

(iv) The petitioner shall extend full co-operation in the disciplinary proceedings and shall not seek any unnecessary adjournment. In the event of any delay not attributed to the petitioner, the disciplinary authority shall ensure that the proceedings are concluded within the aforesaid period.

(v) Till a final decision is taken by the disciplinary authority, the effect and operation of the impugned order dated 17.09.2026, whereby the petitioner has been placed under suspension, shall be kept in abeyance.

(vi) It is, however, clarified that, if considered necessary, the competent authority shall be at liberty to transfer the petitioner to the adjoining district of Gorakhpur, during the pendency of the

disciplinary proceedings.

6. With the aforesaid observations/directions, instant writ petition stands **disposed of**.

October 9, 2026
VR

(Dinesh Pathak,J.)

Digitally signed by :-
VIBHA RATAN
High Court of Judicature at Allahabad