

**HIGH COURT OF UTTARANCHAL AT NAINITAL.**

**Writ Petition no. 1622 (S/S) 2005**

Nand Kishore S/o late Sri Pram Prasad Singh,  
R/o village Kua Khera, Tehsil Thakurdwara,  
District Moradabad. ....Petitioner,  
Vs.

1.State of Uttaranchal through its Secretary,  
(Revenue) Civil Secretariat, Dehradun,  
2.District Magistrate, Udham Singh Nagar,  
3.Sub Divisional Magistrate, Tehsil Bazpur,  
District Udham Singh Nagar, .....Respondents.

Sri Shard Sharma, learned counsel for the petitioner.  
Learned Standing Counsel for the State/respondents.

**Hon'ble M.M. Ghildiyal, J.**

Heard Sri Sharad Sharma, learned counsel for the petitioner and learned Standing Counsel for the State/respondents.

The petitioner has filed this writ petition against the order dated 04.05.2005 passed by the respondent no. 2 i.e. the District Magistrate, Udham Singh Nagar by which the petitioner was suspended, for certain charges levelled against him. At the time of suspension, the petitioner was working as a Revenue Inspector.

Submission of the petitioners is that for the similar charges one Lekhpal was also suspended whose suspension has been revoked in the month of August 2005 but the suspension of the Petitioner is still intact. It has further submitted that an Inquiry Officer has been appointed in the matter and a chargesheet has been served upon the petitioner on 5<sup>th</sup> May 2005 to which the petitioner has already replied on 20<sup>th</sup> May 2005. More than 5 months have been passed but the Inquiry Officer has not yet

concluded the inquiry. The petitioner is going to retire from services on 24<sup>th</sup> January 2006 and in case, the inquiry is not concluded within that period, the petitioner shall be deprived of his pension and other retirement benefits.

Considering all these facts, since the chargesheet has been served upon the petitioner and the petitioner has already replied the charges levelled against him, the respondent no. 3 i.e. the Sub Divisional Magistrate, Tehsil Bajpur district U.S. Nagar is directed to conclude the inquiry within one month from the date of production of a certified copy of this order and the Disciplinary Authority shall pass final order within 15 days from the date of receipt of the inquiry report from the Inquiry Officer, failing which the impugned suspension order dated 04.05.2005 shall stand quashed. The petitioner is directed to co-operate with the inquiry and shall produce copy of this order before respondents within 10 days from today.

With these directions, the writ petition is finally disposed of. No order as to costs.

**(M.M. Ghildiyal, J.)**

October 29, 2005:  
NCM:

