

Court No. - 3

Case :- WRIT - A No. - 25607 of 2017

Petitioner :- Yogesh Kumar

Respondent :- State Of U.P. And Anr.

Counsel for Petitioner :- Jitendra Kumar Srivastava

Counsel for Respondent :- C.S.C.,Shivam Yadav

Hon'ble Krishna Murari,J.

Hon'ble Ravindra Nath Kakkar,J.

Heard learned counsel for the petitioner and Shri Shivam Yadav appearing for respondent no. 2.

Facts, in brief, relevant for the dispute raised in this petition are as under.

Petitioner was working on the post of Assistant Engineer in the Kanpur Development Authority. One Mahtab Alam was raising a building on plot nos. 628, 629, 630, 631, 646, 1054 and 1055 situate in village Gajjupurwa Chandari, P.S. Jajmau, District Kanpur Nagar without any permission from the Kanpur Development Authority. The said construction collapsed on 01.02.2017 resulting in loss of a number of lives. A FIR of the incident was lodged with the police station on 01.02.2017. An inquiry was also set up by the Kanpur Development Authority to fix the responsibility of the officers of the authority. Vide impugned order dated 03.02.2017, the petitioner was placed under suspension in contemplation of a disciplinary authority initiated against him in respect of the collapse of the building, which was being raised without lawful permission from the Development authority, which resulted in loss of lives of many persons.

It is vehemently contended that allegations against the petitioner are not so serious so as to award a major penalty and, thus, the suspension order is totally unjustified.

We have considered the argument advanced by the learned counsel for the petitioner and perused the record.

It is undisputed that petitioner, at the relevant time, was working as Assistant Engineer and illegal construction was being raised by one Mahtab Alam without any sanction from the Development Authority, which collapsed resulting in loss of certain lives.

Petitioner, in his capacity as Assistant Engineer, was under an obligation for the constructions being raised in his zone. The Development Authority, prima facie, found that the petitioner has failed to discharge his duties for which a disciplinary inquiry has been directed to be initiated against him and during the pendency of the inquiry, he has been placed under suspension.

We see no reason as to how the petitioner can escape from his responsibility. Thus, we do not find any illegality in the impugned order placing the petitioner under suspension during the pendency of the disciplinary inquiry and the same does not require any interference.

Writ petition, accordingly, fails and stands dismissed.

Order Date :- 30.5.2017

VKS