

Court No. - 34

Case :- WRIT - A No. - 7412 of 2021

Petitioner :- Dr. Kafeel Ahmad Khansr

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Manish Kumar Nigam, Manoj Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Yashwant Varma, J.

Sri Manish Goyal, learned Additional Advocate General assisted by Sri A.K. Goyal, learned counsel have placed on the record instructions which are marked as 'X' for the purposes of identification.

From those instructions, it is pointed out by Sri Goyal that the order of 24 February 2020 impugned in this petition has been withdrawn subject to liberty being reserved for the respondents to proceed in the matter afresh and in light of what was noted by the Court in its order of 29 July 2021. It was further submitted that all endeavour shall be made to conclude the disciplinary proceedings within a period of three months.

That only leaves the Court to consider the justification for continuing the suspension of the petitioner which was pursuant to an order passed on 22 August 2017. In paragraph 54 of the writ petition, it is disclosed that by that order initially proceedings were drawn against nine persons. Seven out of those who were suspended along with the petitioner have since been reinstated pending conclusion of disciplinary proceedings. The Court in this regard bears in mind the decision of the Supreme Court in **Ajay Kumar Choudhary Vs. Union of India [(2015) 7 SCC 291]**.

Sri Goyal prays for accommodation to enable him to obtain requisite instructions in this respect.

Include in the additional cause list of 10 August 2021.

Order Date :- 6.8.2021

Vivek Kr.