



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 9888 of 2025

Sunita Devendra @ Sunita Kureel

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of
Secretariat Administration U.P. Lko. And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Alok Mishra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 8

HON'BLE MANISH MATHUR, J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.
2. Petition has been filed challenging order dated 01.05.2023 whereby petitioner has been placed under suspension in terms of Rule 4 (3)A of the Uttar Government Servant (Discipline and Appeal) Rules of 1999 due to the aspect of deemed suspension upon incarceration. Also under challenge is the order dated 02.11.2023 initiating departmental proceedings. The order dated 03.12.2023 rejecting petitioner's representation against continuance departmental proceedings has also been challenged alongwith other concomitant prayers.
3. It has been submitted that earlier petitioner had been indicated as involved in Case Crime No.334 of 2018, under Sections 364, 302 and 201 IPC due to which she was incarcerated resulting in deemed suspension. It is submitted that subsequently vide order dated 26.04.2019, petitioner was reinstated in service primarily on the ground that finality in Criminal Case may take a longtime. Learned counsel has also drawn attention to the order dated 19.09.2022 whereby the departmental inquiry was stayed by the authority themselves on the ground that the nature of allegations and evidence in the departmental as well as criminal proceedings were identical.
4. It is also submitted that subsequently upon filing of charge-sheet in the

criminal case, the fresh impugned orders have been passed without recording any reason for taking a contrary view with the one which was taken earlier.

5. It is also submitted that since the departmental proceedings are identical to the charges levelled in criminal proceedings, it would be beyond jurisdiction of departmental proceedings to give any finding with regard to allegations levelled under the Indian Penal Code.

6. With regard to aspect of the impugned suspension order, it has been submitted that by passing the impugned order, the authority has not indicated any reason whatsoever for taking a contrary stand to the one which was taken earlier nor as the objections filed by petitioner being taken into account.

7. Prima facie, submissions advanced by learned counsel for petitioner have force and require consideration for which purpose opposite parties are granted three weeks' time to file counter affidavit.

8. List this case on 25.09.2025, as fresh on the aspect of arguments on the point of suspension.

9. Until further orders of this Court, the departmental proceedings re-initiated against the petitioner in terms of order dated 02.11.2023 shall remain stayed.

(Manish Mathur,J.)

September 1, 2025

Subodh/-