



2026:AHC-LKO:48661

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 6758 of 2026

Neelav Shalya

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy./Prin. Secy.
Deptt. Urban Developmet And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Akber Ahmad, Anushka Kudesia, Harsh Vardhan Mehrotra
Counsel for Respondent(s)	: C.S.C.

Court No. - 6

HON'BLE PANKAJ BHATIA, J.

1. Heard Shri Gaurav Mehrotra, learned Senior Advocate assisted by Shri Akber Ahmad, learned counsel for the petitioner. learned Standing Counsel for the respondents and Shri M.K. Dikshit, learned counsel for Nagar Palika Parishad.
2. By this writ petition, the petitioner has challenged the order dated 17.6.2026, whereby, the petitioner was placed under suspension pending a disciplinary enquiry. The facts, in brief, are that the petitioner was appointed to the post of Executive Officer, Nagar Panchayat, District Meerut and thereafter, the petitioner was appointed as an Executive Officer in Nagar Panchayat, Hardoi. Subsequently, the petitioner was also promoted.
3. It is argued by the petitioner that the petitioner was posted at Hardoi in terms of an order passed to that effect. Subsequently, a Video was made viral on social media platform wherein the petitioner was allegedly shown to have accepted bribe in connection with supply of straw/fodder against a tender floated for the aforesaid purpose, which according to the petitioner is false, as the tender to that effect was floated in the year 2024 much before the petitioner has joined as an Executive Officer.
4. It is the argument of learned counsel for the petitioner that the respondent No. 4, who is a former employee and had been terminated from the services of Nagar Panchayat, Aligarh out of ill-will moved an application dated 06.04.2026, alleging that the petitioner appeared to be in the said video, accepting illegal gratification. The said complaint was registered on the Chief Minister's Portal. Based upon the said complaint, an enquiry was got conducted. In the said enquiry conducted by the SDM, it was recorded that prima facie., the petitioner appeared in the said Video. It was also recorded

that the contents of the video should be verified. Thereafter, based upon the aforesaid, directions were issued for initiating departmental proceedings and the petitioner was placed under suspension. The petitioner has also been served a charge sheet on 02.07.2026, wherein, the charge levelled is that in the said video made available on the social media, it appears that the petitioner was depicted in the said video.

5. The contention of learned counsel for the petitioner is that a complaint was made by one Ajay Kumar, who was posted as a Clerk at Aligarh and had nothing to do with the working of the petitioner at Meerut. It is also pleaded that he had obtained appointment based upon fake and forged mark-sheet, proceedings were initiated against him and the petitioner had issued charge sheet in an official capacity. The petitioner as disciplinary authority had terminated the services of the said Ajay Kumar and because of the said action, Ajay Kumar filed a complaint. It is further argued that in terms of the Government Order issued by the State Government, it is incumbent that any complaint which is made in respect of Government Servant should be accompanied by an affidavit. As is evident, from the Government Order dated 01.08.1997 (Annexure No. 17) as well as the Government Order dated 29.01.2024. However, no such affidavit was filed and still proceedings were initiated based on the said complaint.

6. It is further argued that even in the preliminary enquiry got conducted through the SDM, the same records that it appears that the petitioner was seen in the said Video, however, the video should be got verified. Even in the charge sheet, there is no definite charge against the petitioner that he was seen in the Video. The only charge levelled against the petitioner is that it appears that the petitioner was seen in the said Video which according to the petitioner is a vague charge.

7. Learned Standing Counsel, was directed to obtain instructions as to whether any affidavit was obtained from the complainant in terms of the statutory requirements specified in the Government Orders dated 01.08.1997 and 29.01.2024. The Standing Counsel has produced instructions sent by the District Magistrate as well as by the Director, Local Bodies. However, instructions are silent as to whether any affidavit was obtained or not. In the instructions, it has been reiterated that on the basis of a complaint, a preliminary enquiry was got conducted through the SDM and based upon the said preliminary enquiry, a decision was taken to suspend the services of the petitioner pending an enquiry.

8. An Impleadment application filed by the Nagar Palika Parishad, is taken on record and it has been stated that earlier also, the petitioner was placed under suspension. In the said impleadment application, nothing has been stated as

to how the applicants are either a 'necessary' or a 'proper party', more so when the petitioner's services are governed by the Centralised Services, and not by the Nagar Palika Parishad or the Rules applicable to the Non-Centralised Staff of the Nagar Palika Parishad.

9. Be that as it may, this court has heard the learned counsel for Nagar Palika Parishad despite the fact that he is not a necessary party, only to avoid any further detention of the matter.

10. Prima facie, the complaint was not accompanied by an affidavit, which is a mandatory requirement in terms of the Government Orders. The preliminary enquiry based upon the said complaint did not indicate the role of the petitioner and was based merely on a prima facie view that the person shown in the Video might be the petitioner. Even the charge sheet does not specifically indicate that the petitioner had indulged in any misconduct by accepting illegal gratification.

11. Considering the charge sheet served upon the petitioner, wherein, the petitioner is not specifically charged of accepting any illegal gratification, prima facie, the reason for suspending the petitioner is absent, the same is also based upon a complaint which is not accompanied by an affidavit, as prescribed in the Government Orders. Thus, the suspension order passed against the petitioner is prima facie, contrary to the statutory guidelines and without there being any specific charges against the petitioner. It is clarified that this Court is not going into the question of the charge sheet, as the same is not under challenge before this Court. In both the reports of the SDM and DM, it was indicated that the veracity of the video should be independently evaluated, which has not been done according to Rules.

12. For all the reasons recorded above, the suspension order dated 17.06.2026 is set aside, with a direction that the disciplinary proceedings shall go on and shall be concluded expeditiously subject to the petitioner's co-operation. It is open for the respondents to take work from the petitioner or not. Any of the observations made above shall not affect the disciplinary proceedings, which shall be concluded on their own merits and without being influenced by any observations made in respect of the charge sheet.

13. The writ petition is allowed.

July 21, 2026

PS

(Pankaj Bhatia,J.)