2026:AHC-LKO:82844

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - A No. - 11581 of 2026

Vikas Verma

.....Petitioner(s)

Versus

State Of U.P. Thru. Commissioner, Deptt. Of State Tax, Govt. Of U.P., Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vipul Shukla, Ankit Rai
Counsel for Respondent(s)	:	C.S.C.

Court No. - 19

HON'BLE MANISH KUMAR, J.

1. Heard.

2. Learned counsel for the petitioner has submitted that the present writ petition has been preferred for quashing of order dated 19.10.2026 passed by Respondent No.3, whereby the petitioner has been placed under suspension from the post of Senior Assistant in the office of Deputy Commissioner, Department of State Tax, Lucknow Zone-1, mainly on the grounds, firstly, the petitioner has been place under suspension in pursuance of some complaint made alongwith a pen drive of the mobile number of the complainant in which the petitioner has been shown demanding bribe. The said complaint is without any affidavit in support thereof, hence, it cannot be sustainable as per Government Order dated 1.8.1997 and thereafter 19.04.2022 and 06.08.2018, wherein it has been provided that no complaint against a government officer shall be undertaken until or unless supported by

an affidavit. Secondly, no effort has been made by the authorities to ascertain the genuineness of the pen provide by the complainant and thirdly, before issuance of chargesheet, the allegation against the petitioner is found to be proved for demanding bribe as mentioned in the impugned suspension order itself.

3. It is further submitted that in the identical circumstances wherein on the basis of the audio clip with the same allegation for demanding bribe, the delinquent employee was placed under suspension and this Hon'ble Court vide its judgement and order dated 5.8.2025 passed in Writ-A No.8589 of 2025 (Indra Pratap Singh v. State of U.P.), quashed the suspension order on the basis of judgement of Division Bench of this Court in the case of ***Arvind Kumar Ram vs. State of Uttar Pradesh and others, 2007(4) AWC 4163 ALL.*** and also in the case of **State of Orissa v. Bimal Kumar Mohanty**, reported in **AIR 1994 SC 2296**, copy of judgement and order has been provided during course of argument, which is taken on record.

4. On the other hand, learned Standing counsel on the basis of the instruction received, which is provided during course of argument, is taken on record, has submitted that it has not been specifically indicated in the instruction that any preliminary inquiry has been conducted prior to the passing of the impugned order or not. He is also unable to dispute that the complaint made

without any affidavit in support thereof by the complainant, is against the Government orders as mentioned above. He however submits that since the allegations levelled against the petitioner are serious in nature, it was required to place him under suspension in contemplation of inquiry. He is also unable to dispute the submission that before serving the chargesheet, it has been mentioned in the suspension order that the audio clip certifies that the bribe was demanded by the petitioner.

5. After hearing the learned counsel for the parties and going through the record of the case, prima facie, it is found that the petitioner has been placed under suspension merely on the basis of the complaint made in contravention of the government orders mentioned hereinabove i.e. complaint was not filed alongwith an affidavit filed in support thereof. The authorities have not made any effort to ascertain the genuineness of the audio clip and not only placed the petitioner under suspension but also mentioned in the impugned suspension order, which is quoted hereinbelow:

"शिकायती पत्र में उल्लिखित तथ्यों एवं संलग्न पेन ड्राइव में ऑडियो काल रिकार्डिंग के परिशीलन से प्रथम दृष्टया शिकायतकर्ता से उक्त मोबाइल नं० नं0-8318726506 एवं मोबाइल नं0-8299826868 पर हुयी वार्ता के दौरान उत्कोच मांगा जाना प्रमाणित होता है।"

6. The said finding mentioned in the impugned

suspension order is even prior to the service of the chargesheet. It appears that the order has been passed without application of mind. The disciplinary authority may not automatically require to suspend the employee on the basis of any complaint or allegation levelled against him and he is necessarily required to apply his mind to the allegation levelled against the petitioner and to record, prima facie, satisfaction with regard to the allegation, which does not appear to be made by the authority prior to the passing of the impugned suspension order, particularly, when the genuineness of the audio clip is yet to be decided.

7. In view of the facts, circumstances and discussion made hereinabove, the impugned suspension order dated 19.10.2026 passed by Respondent No.3 is hereby quashed granting liberty to the disciplinary authority to pass a fresh order after recording prima facie satisfaction with regard to the complaint made by the complainant in the light of the Government Orders mentioned above and the genuineness of the audio clip.

8. The writ petition stands allowed at the admission stage.

(Manish Kumar,J.)

November 19, 2026
S. Kumar

Digitally signed by :-
SANTOSH KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench