

Court No. - 83

Case :- WRIT - A No. - 5349 of 2020

Petitioner :- Govind Kumar Prajapati

Respondent :- State Of U P And 3 Others

Counsel for Petitioner :- Mithilesh Kumar Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Ajay Bhanot, J.

The petitioner is a member of the U.P. Rakshak Dal. The services of the petitioner have been terminated by the impugned order. The services of the petitioner are governed and regulated by the United Provinces Rakshak Dal Rules, 1948. Rule 18 of the Rules of 1948, being relevant is extracted hereinunder:

"18. Procedure in dealing with offences- No member of the Dal shall be discharged for an offence, dismissed or reduced in rank otherwise than by an order based on facts which have led to his conviction in a court unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself."

Shri Mithilesh Kumar Tiwari, learned counsel for the petitioner contends that the order impugned has been passed without affording any opportunity of hearing to the petitioner and in breach of Rule 18 of the Rules of 1948.

This fact could not be disputed by the learned Standing Counsel on the basis of instructions.

Matter needs consideration.

Learned Standing Counsel prays for and is granted four weeks time to file counter affidavit. Two weeks time thereafter is granted to the learned counsel for the petitioner to file rejoinder affidavit.

List thereafter.

Till further orders of the Court, the effect and operation of the order dated 19.06.2020 passed by the respondent no. 2, shall

remain stayed.

Learned counsel for the petitioner Shri Mithilesh Kumar Tiwari submits that the petitioner shall not fix any Hooter on his motorcycle.

Order Date :- 1.10.2020

Dhananjai