



2026:AHC:55813

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2572 of 2026

Amrendra Kant Pandey

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Nitish Shakya, Saurabh Tripathi, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Prabhakar Awasthi, learned Senior Counsel assisted by Sri Saurabh Tripathi, learned counsel for the petitioner, and Sri Jitendra Prasad, learned Standing Counsel for the State respondents.

2. This Court had entertained the writ petition on 20.02.2026 and sought instructions from the learned Standing Counsel. Pursuant thereto, Sri Jitendra Prasad had produced instructions under the signature of the Joint Secretary, U.P., which were taken on record and marked as Appendix–A, as noted in the order dated 13.03.2026. Subsequently, further instructions have been filed, which are taken on record as Appendix–B.

3. A statement has been made by the learned Standing Counsel that he has complete instructions in the matter and the writ petition may be heard and decided on the basis of the documents available on record, thus with the consent of learned counsel for the parties, the writ petition is being finally decided at this stage.

4. The case of the petitioner is that he was initially appointed as a Junior Engineer and was subsequently promoted to the post of Assistant Engineer and thereafter to the post of Executive Engineer. At present, he is working as Executive Engineer. At the relevant point of time, the petitioner was posted as Executive Engineer, Public Works Department, Mirzapur. The petitioner has been placed under suspension under the provisions of the U.P. Government Servant (Discipline and Appeal) Rules, 1999.

5. Challenging the said suspension order dated 10.2.2026, the present writ petition has been filed.

6. Learned Senior Counsel for the petitioner submits that the impugned suspension order is wholly arbitrary and unsustainable, as no prima facie case of misconduct is made out against the petitioner.

7. It is contended that the petitioner in discharge of his official duties, had floated tenders for certain repair works vide tender notice dated 06.02.2025, consisting of six items. It is submitted that since the value of each tender was below Rs. 10 lakhs in view of Government Circulars dated 24.04.2018 and 26.07.2018, the tenders were rightly invited through offline mode. It is further contended that as per Circular dated 08.06.2017, certain categories of work, including hot-mix plant works, patch repair, etc., are permitted to be executed through offline tenders, and therefore, there was no illegality in adopting the offline mode.

8. Learned Senior Counsel submits that in response to the tender notice, bids were received and prior to opening of the bids, the petitioner, in his capacity as Executive Engineer requested the District Magistrate, Mirzapur to nominate a representative. Accordingly, a Sub-Divisional Magistrate (Finance), Chunar, Mirzapur was deputed as the nominee of the District Magistrate.

9. Learned Senior Counsel further submits that the bids were opened in front of nominee of District Magistrate Sri Sanjeev Kumar, Sri Janardan Yadav, Executive Engineer, Provincial Division, Public Works Department, Mirzapur and petitioner and since the first bid was below 1.45% of the total cost of Rs. 847110.00 the same was accepted. Likewise, second bid of below 1.30% of total cost of Rs. 833095.00 was accepted. Third bid of below 1.30% of total cost of Rs. 811988 was accepted. Fourth bid which was 1.45% below of the total cost of Rs. 846120.00 was accepted. Fifth bid which was 1.45% below of the total cost of Rs. 832050.00 was accepted which was duly signed and endorsed by the petitioner, Sri Janardan Yadav, Executive Engineer, Public Works Department and Sub-Divisional Magistrate (Finance), Tehsil-Chunar, District Mirzapur (nominee of the District Magistrate).

10. According to the petitioner, a social worker, namely, Praveen Kumar Singh, lodged a complaint on the IGRS portal on 11.11.2025 in relation to the tenders issued and finalized by the petitioner along with other members.

Taking note of the said complaint, the Superintendent Engineer sought an explanation from the petitioner vide letter dated 18.12.2025.

11. Attention of the Court has also been drawn to an inquiry report submitted by the competent authority on the complaint dated 12.06.2025, wherein it has been found that the allegations levelled against the petitioner are without substance and no irregularity was established. It is, thus, submitted that the suspension order is arbitrary, based on unfounded allegations and liable to be set aside.

12. Learned counsel for the petitioner submits that the works in question were essentially for repair and such repairs may include ancillary construction and maintenance activities. It is contended that after considering feasibility and technical requirements, tenders were invited. Since the value of each work was below Rs. 10 lakhs and in view of Clause 20 of the Government Order dated 08.06.2017, it was within the discretion of the petitioner, in his capacity as Executive Engineer to invite tenders through offline mode. It is, thus, argued that no illegality has been committed and the suspension order deserves to be set aside.

13. Per contra, Sri Jitendra Prasad, learned Standing Counsel on the basis of instructions submits that as per decisions taken at the State level, there were as many as 27 works which were to be executed under different heads and the cumulative value exceeded Rs. 10 lakhs. Therefore, in terms of Government Circulars dated 24.04.2018 and 26.07.2018, the tenders ought to have been invited through online mode. It is further submitted that as per the circular dated 08.06.2017, particularly Clause 9 thereof it has been specifically provided that tenders exceeding the prescribed limit are to be invited through the online process.

14. The submission of the learned Standing Counsel is that the petitioner in order to confer undue benefit, deliberately bifurcated and trifurcated the works so as to bring their value below Rs. 10 lakhs thereby avoiding the mandatory requirement of e-tendering. It is further contended that mere presence of officials including the nominee of the District Magistrate would not cure the inherent irregularity in the tender process.

15. I have considered the submissions advanced by learned counsel for the parties and perused the record.

16. It is not in dispute that the petitioner was working as Executive Engineer in the Public Works Department and his services are governed by the provisions of the U.P. Government Servant (Discipline and Appeal) Rules, 1999. It is also not the case of the petitioner that the suspension order has been passed by an incompetent authority.

17. The primary contention of the petitioner is that in view of Clause 20 of the Government Order dated 08.06.2017, the tenders were rightly invited through offline mode, considering the nature of the work. Though the petitioner has placed reliance upon a fact-finding inquiry report and the respondents have also relied upon another report dated 1.12.2025/20.1.2026 of this Court, in exercise of jurisdiction under Article 226 of the Constitution of India is not required at this stage to adjudicate upon the correctness or reliability of such reports. This Court is also not required to record any finding, even prima facie, as to whether the petitioner was justified in segregating or bifurcating the tenders. The allegation of the State is that such bifurcation was done deliberately to reduce the value of the tenders below Rs. 10 lakhs so as to avoid the requirement of online tenderings, such issues are essentially matters of factual determination which are to be examined in departmental proceedings.

18. It is further noted that a charge-sheet dated 06.03.2026 has already been issued to the petitioner which has been brought on record as Appendix-A. Once disciplinary proceedings have been initiated, this Court finds that it would not be appropriate to interfere at this stage. It is always open to the petitioner to submit his reply to the charge-sheet and to establish his defence in the departmental inquiry.

19. So far as the submission that no loss has been caused to the State is concerned, the same also involves issues, which are to be examined during the course of inquiry.

20. Accordingly, no interference is called for in the impugned suspension order.

21. However, it is provided that the petitioner shall participate in the departmental inquiry and the Disciplinary Authority shall make an

endeavour to conclude the same expeditiously preferably within a period of three months from the date of production of a certified copy of this order, subject to cooperation of the petitioner. The petitioner shall be entitled to subsistence allowance in accordance with the rules, subject to fulfillment of all statutory requirements.

22. With the aforesaid observations, the writ petition stands ***disposed of***.

March 18, 2026
Sushma

(Vikas Budhwar,J.)