

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.14441 of 2016

Date of decision: 23.07.2016

Sarabjit Kaur

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the impugned suspension order as well as appellate order passed by respondents No.1 and 2, petitioner has approached this Court by way of present writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of certiorari, for quashing the impugned orders.

Learned counsel for the petitioner submits that the impugned orders are based on a wholly misconceived approach, because of which the same are liable to be set aside. Neither the petitioner was afforded an opportunity of being heard before placing him under suspension nor he was associated in the alleged preliminary inquiry conducted. He further submits that although petitioner was placed under suspension way back on 15.02.2016 vide Annexure P-3, yet the regular inquiry has not been completed so far and pendency of regular inquiry is causing prejudice to the petitioner. In the alternative, learned counsel for the petitioner submits that the respondent authorities may be directed to conclude the

regular inquiry at an early date. He prays for setting aside the impugned orders, by allowing the present writ petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that instant writ petition is bereft of any merit and liable to be dismissed.

It is a matter of record that after conducting the preliminary inquiry at the hands of the competent authority, Director, Rural Development and Panchayat Department, Punjab issued a show cause notice to the petitioner before placing him under suspension vide impugned order dated 15.02.2016 (Annexure P-3). It is also not in dispute that regular inquiry is pending against the petitioner. When the petitioner filed his statutory appeal before respondent No.1, the matter was considered again, however, the impugned suspension order was not found suffering from any patent illegality and the appeal of the petitioner was dismissed vide impugned order dated 12.04.2016 (Annexure P-5).

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in either of the impugned orders passed by respondents No.1 and 2, whereby they have recorded concurrent findings of fact. Petitioner has, prima facie, been found liable for suspension during pendency of the regular inquiry. Having said that, this Court feels no hesitation to conclude that the respondent authorities committed no error of law, while passing the impugned orders. Learned counsel for the petitioner could not substantiate any of his arguments which are based on technicalities alone. The impugned orders have been found passed on the basis of true facts and in accordance with the relevant provisions of law, the same deserve to be

upheld.

However, the argument raised by learned counsel for the petitioner in the alternative, deserves to be accepted directing the respondent authorities to ensure early completion of the regular departmental inquiry against the petitioner. Although there is no statutory period provided for completion of any such regular inquiry, yet the interest of justice demands that the sword of regular inquiry should not be allowed to be hanging on the petitioner for unduly long period.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that so far as the impugned suspension orders are concerned, the same have not been found suffering from any illegality and deserve to be upheld. The writ petition qua the impugned orders being misconceived, is liable to be dismissed and the same is hereby dismissed. Impugned orders are upheld.

However, the respondent authorities are directed to ensure early completion of the regular inquiry pending against the petitioner.

With the abovesaid observations made and directions issued, present writ petition stands disposed of, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

23.07.2016
vishnu

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No