

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 20819 of 2016
Date of decision: 4.10.2016

Santosh Kumari

... Petitioner

Versus

State of Haryana & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ram Niwas Sharma, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

No contestable ground is made out in the petition warranting interference in an order of suspension especially when the petitioner has meanwhile superannuated from service on September 30, 2016. That is the only prayer claimed and pressed in the petition seeking quashing of the order placing the services of the petitioner under suspension while in service.

In any of the imaginable events, it is a trite proposition of law that suspension is not a punishment issued while in service. The suspension and charge-sheet were admittedly bound by a common set of allegations of misconduct. It follows that it is neither necessary to go into the merits of the charge-sheet nor the suspension order or any other conceivable issue because the petitioner will have ample opportunity to prove her innocence of the charge in the event of an enquiry proceeding. The department is always free to continue with departmental proceedings based on a charge-sheet issued before retirement. For these reasons, I would not consider any argument bordering on interference in the petition in exercise of the extraordinary writ jurisdiction provided by Article 226 of the Constitution

of India.

Accordingly, the petition is dismissed against the suspension order. As far as the charge-sheet is concerned I have no doubt that the law will take its course.

At this stage a request is made by the learned counsel for withdrawal of the petition. The request is rejected after the Court has already expressed its mind on the case and heard the learned counsel for the petitioner at considerable length. However, the dismissal of the petition will not affect or prejudice the domestic trial, if it is continued. The petitioner can suffer no greater injury than what could ever hurt her had she not approached this Court in the present petition. All I say is that suspension can go no further than retirement on superannuation, an event which stands accomplished.

(RAJIV NARAIN RAINA)
JUDGE

4.10.2016
monika

Whether speaking/reasoned *Yes*

Whether reportable *No*