

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 13.05.2016

CM No.5622 of 2016 in/and
CWP No.8027 of 2016

Gurinder Pal Singh Bath

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vishal Gupta, Advocate, for the petitioner.

Mr. Harkesh Manuja, Addl. AG, Punjab.

Mr. D.S.Patwalia, Senior Advocate, with
 Mr. Sehajbir Singh, Advocate, for respondent No.2.

Mr. G.S.Bal, Senior Advocate, with
 Mr. Sunita Gupta, Advocate, for respondent No.3.

1. *To be referred to the Reporters or not?*
2. *Whether the judgment should be reported in the Digest?*

RAJIV NARAIN RAINA, J.

The application i.e. CM No.5622 of 2016 for vacation of stay order granted on 29.04.2016 has been filed by official respondent No.3 together with the main case are both taken up for final disposal in terms of the interim order dated 29.04.2016 adjourning the case to be heard on the stay matter in view of Article 226(3) of the Constitution since Mr. G.S.Bal, learned senior counsel, appeared on the first date itself, but was not on caveat to be heard on stay matter.

The reply dated 13.05.2016 to the application has been filed in Court, which is taken on record. Copy supplied to the other side.

The writ petition has been filed calling in question an order placing the petitioner under suspension.

Mr. Bal appearing for the third respondent states that an inquiry was conducted into the conduct of the petitioner and other persons involved in the construction of Arts and Craft Rooms in Schools run by the Board in different locations in Punjab. The total cost of the project was around Rs.22.70 crores and prima facie a case was made out to initiate departmental proceedings against the petitioner and some others prim facie involved in acts of misconduct. He makes a statement today that a charge-sheet has been issued to the petitioner and two other officials, who were part of the Construction Wing of the Board with dominion over the subject matter.

Heard Mr. D.S. Patwalia, learned senior counsel for the second respondent as well, who has raised serious issues regarding the conduct of the petitioner, which would not justify the continuance of the stay of order of suspension any longer. Nothing further is said or recorded least it prejudices the parties in the future. The petition is no longer maintainable in the face of the charge-sheet issued which is an independent cause paling into insignificance the order of suspension against which the petition was preferred.

Hence the petitioner would be at liberty to file reply to the charge-sheet and to defend himself in the domestic inquiry to follow. No comment is made on the conduct of the petitioner least it prejudices him. Since the departmental proceedings have been initiated against the

petitioner, the question of examining the suspension order no longer subsists. Therefore, nothing remains to be argued in the main petition.

As a result, not only is the stay granted by order dated 29.04.2016 vacated, the present petition itself is ordered to be dismissed with costs of Rs.1 lakh to be deposited with the Mediation & Conciliation Centre annexed to this Court since the case is presently found to be an overreach to the writ jurisdiction, the petitioner praying for an adjournment. The petitioner would remain at liberty to take recourse to his administrative remedies.

13.05.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE