

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

CWP No.16776 of 2018

Date of Decision: 18.12.2018

Vijay Pal and another

....Petitioners

Versus

State of Haryana and ors

....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.K. Nehra, Advocate
for the petitioners.

Mr. Kiranpal Singh, AAG, Haryana.

RITU BAHRI, J.(Oral)

The petitioners in the present case has challenged their termination order (annexure P-18 colly) dated 03.07.2018.

On 12.07.2018, Mr. Harish Rathee, Sr. DAG, Haryana was to obtain instructions as to the circumstances and intention of the telephonic message received from the Additional Chief Secretary, Transport Department on 13.06.2018 to conclude the inquiry and final report till 18.06.2018. As the time was too short to complete the inquiry.

Thereafter, respondent No.4-complainant Mr. Arun Kumar s/o Sh. Prem Chand House No. 703, Indira Colony, Jundla Gate, Karnal, Haryana was impleaded as respondent No.4 and notice was issued to him. Finally on 25.07.2018 vide detail order, this Court

held that the regular inquiry was abruptly concluded within 5 days on account of a telephonic message received from Additional Chief Secretary, Transport Department on 13.06.2018 to the inquiry officer. And the inquiry was cut short to reach an inconclusive end due to paucity of time. The impugned termination order 03.07.2018 was set aside and the petitioners were to be kept under suspension till the decision is taken. It is further observed that in case a finding is not given in favour of the petitioner then they will be put back to the stage where the error had occurred that is the sudden intervention of The Additional Chief Secretary Transport Department to General manager. Learned counsel for the petitioner states that when the telephonic conversation between the Additional Chief Secretary with the General manager took place, the petitioners were in service and respondents on account to complete the inquiry within five days petitioners were terminated and they were not under suspension. Learned State counsel while referring to the order dated 16.08.2018 (Annexure A-2) states that the petitioners are not covered under the notification 17.01.2001 and Mr. Sukhdev Singh has been appointed as inquiry officer to look into the matter and the petitioners shall be kept under suspension from the date of termination. Even if perusal of the order dated 25.07.2018 makes it abundantly clear that the petitioners have been put back to the stage where the error had occurred and on that date they were in service even if the petitioner are not covered by the notification 17.01.2001, they have to be put back in service till the final inquiry report is prepared by the inquiry officer. The petitioners

vide order dated 25.07.2018 have to be put back at the stage where the error had occurred. Suspension period comes to an end as they will be taken in service after completion of the inquiry and appropriate orders be passed in accordance with law.

Disposed of.

[RITU BAHRI]
JUDGE

December 18, 2018
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no