

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

LPA No.802 of 2018 (O&M) in
CWP No.14015 of 2017
Date of Decision: 31.05.2018

The State of Haryana and others

..... Appellants

Versus

Subhash Sapra and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Amar Vivek, Addl. A.G., Haryana.

Mr. N. C. Kinra, Advocate
for respondent No.1.

RAJESH BINDAL J.

The State is in appeal against the order passed by the learned Single Judge dated 11.07.2017 whereby the State was restrained from passing any order of dismissal of the respondent/writ petitioner till the next date of hearing. The aforesaid order was extended further on 14.05.2018. The matter has been adjourned for 27.08.2018.

The prejudice shown by the appellants in continuation of the interim order is that inquiry against respondent No.1 is complete.

Concurrence from the Haryana Public Service Commission has been

received. Show cause notice along with copy of the inquiry was issued to respondent No.1. He had been heard. Now the matter is pending for passing order of punishment. After retirement of respondent No.1, any order of punishment from back date may not be possible.

Learned counsel for the appellants further submitted that respondent No.1 approached this Court at the stage when the inquiry proceedings had been concluded and the order of punishment was to be passed.

Learned counsel for respondent No.1 submitted that respondent No.1 can be granted extension in service so as to enable the authorities to conclude the proceedings against him and pass order of punishment, if he had been found guilty of any charge.

After hearing learned counsel for the parties, we find that continuation of interim order passed by the learned Single Judge is certainly prejudiced to the interest of the State as after the retirement of respondent No.1 today, the State will not be able to pass order inflicting any punishment, if the punishing authority deems appropriate in terms of the findings recorded by the inquiry officer. On the other hand, respondent No.1 will not be prejudiced in a way as he has a right to challenge any order of punishment and if finally succeeds, he may get all benefits.

Keeping in view the aforesaid matrix of the case, the

interim order passed by the learned Single Judge on 11.07.2017 as was extended vide order dated 14.05.2018 deserves to be vacated.

Ordered accordingly.

The present appeal stands allowed.

(RAJESH BINDAL)
JUDGE

(DEEPAK SIBAL)
JUDGE

31.05.2018

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No