

CWP-28630-2018 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-28630-2018 (O&M)

Date of Decision: May 13, 2019

Raghuram Rao Akkinepally

... Petitioner

vs.

Union of India and Ors.

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Puneet Bali, Sr. Advocate with
Mr. Paramveer Singh, Advocate
for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Namit Kumar, Advocate
for respondent No.1.

Mr. Rajiv Atma Ram, Sr. Advocate with
Mr. Ranjit Singh Kalra, Advocate
for respondents No. 3 and 4.

Mr. J.S.Puri, Advocate
for respondent No.5.

ARUN MONGA, J.(ORAL)

Impugned herein is, *inter alia*, a show cause notice dated 06.08.2018 (Annexure P14) issued to the petitioner and his suspension order dated 29.10.2018 (Annexure P-18 colly) issued pursuant thereto.

2. Vide a detailed order dated 13.11.2018, passed by this Court, while issuing notice, this Court had directed that operation of the impugned order dated 29.10.2018 (Annexure P-18) shall remain stayed. The interim stay, so granted, has been extended from time to time, till date.

3. Mr. Satya Pal Jain, learned Additional Solicitor General,

CWP-28630-2018 (O&M)

-2-

appearing for respondent No.1 and Mr. Rajiv Atma Ram, learned Sr. counsel appearing for respondents No. 3 and 4-NIPER, respectively, *inter alia*, contend that an application for vacation of stay has been necessitated as the entire disciplinary proceedings, which were proposed to be initiated, have been put to a halt by virtue of the interim stay granted by this Court. Resultantly, the respondents are unable to take a final decision in the matter. Not only the petitioner is non cooperative but even the charge-sheet cannot be issued since the operation of the order dated 29.10.2018 has been stayed in totality.

4. Having heard Mr. Puneet Bali, learned Sr. counsel for the petitioner on the above noted submissions of learned Sr. counsels appearing for the respondents, order dated 13.11.2018, passed by this Court, is modified to the extent that while, suspension of the petitioner shall continue to be stayed but at the same time, there shall be no stay on the proposed consequential disciplinary proceedings.

5. Respondents are at liberty to proceed with proposed disciplinary proceedings to be initiated, if any, in accordance with law, including the further proceedings pursuant to show cause notice dated 06.08.2018 (Annexure P14) impugned herein.

6. The petitioner may join the disciplinary proceedings and give his response in support of his defence. He is also at liberty to raise all the objections as may be available to him including the ones raised in the present petition. The rival contentions of the parties averred in the present proceedings are kept open to be agitated in the disciplinary proceedings.

7. In the event, the respondents pass any adverse order on conclusion of the departmental proceedings, the same shall not be

CWP-28630-2018 (O&M)

-3-

implemented for a period of 14 days to enable the petitioner to seek appropriate remedy in accordance with law.

8. The Interim stay on the suspension of the petitioner is made absolute until the respondents take a final decision by passing appropriate orders after the outcome of departmental proceedings.

9. Writ petition is disposed of in above terms.

May 13, 2019
smriti

(ARUN MONGA)
JUDGE

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