

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

**LPA No.86 of 2020 (O&M)
Date of decision: 20.01.2020**

State of Haryana and others

... Appellants

Versus

Hawa Singh Punia

... Respondent

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. D.S. Nalwa, Additional Advocate General, Haryana,
for the appellants.

RAVI SHANKER JHA, C.J. (Oral)

This appeal has been filed by the State against the interim order dated 09.01.2020 by which the learned Single Judge while issuing notice of motion has stayed operation of order dated 16.12.2019 suspending the respondent, who was working on the post of Naib Tehsildar, in the meantime.

Learned Additional Advocate General appearing for the State of Haryana submits that stay has been granted by the learned Single Judge without giving an opportunity to the State to file its reply or submissions at the time of issuing notice of motion and as such the issue is to be finally considered and decided by the Bench, hence, this appeal under the Letters Patent. Learned counsel submits that the present case is one where there is cogent evidence against the respondent on the basis of which he has been suspended and departmental proceedings are in the process of being initiated. He submits that, apart from the above, there is a provision for filing

an appeal against order of suspension but the respondent without availing the aforesaid efficacious alternative remedy has approached this Court by filing the writ petition in which interim order has been passed.

Having heard learned Additional Advocate General, it is observed that the order passed by the learned Single Judge has not finally decided the issue regarding stay/interim relief qua the order suspending the respondent, and, rather, while issuing notice of motion has, in the meanwhile, as an interim measure, stayed operation of the order of suspension.

In the circumstances, all issues that are sought to be raised by the State before this Court in this LPA can be taken up by the State before the learned Single Judge as the issue of stay is still open and has not finally been considered or decided by the learned Single Judge.

It goes without saying that if the State does so, the learned Single Judge would consider the same and take a decision in respect of stay and maintainability. Thus, we do not find any reason to entertain the appeal at this stage.

The appeal is accordingly dismissed with liberty to State to take up all the issues before the learned Single Judge.

(Ravi Shanker Jha)
Chief Justice

(Arun Palli)
Judge

20.01.2020
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO