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

CWP-4601-2020 (O&M)
Date of decision: 12.10.2020

Jaspal Singh

.....Petitioner

vs.

State of Punjab and others

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Pankaj Bhardwaj, Advocate, for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

.....

Sanjay Kumar, J. (ORAL)

CM-7690-2020

Application is ordered. Documents are taken on record as
Annexures A-1 and A-2.

CWP-4601-2020

The petitioner, a Jail Superintendent at the Central Jail, Patiala, was placed under suspension, *vide* order dated 04.03.2019. He was issued a charge-sheet on 18.09.2019. He filed the present writ petition seeking a direction to the authorities to reinstate him in service on the ground that the charge-sheet was issued in violation of Government instructions and as the inquiry would take a long time to conclude.

Earlier, he filed CWP-34097-2019 before this Court aggrieved by the failure of the authorities to reinstate him in service despite recommendations being made to that effect by the Director

General of Police, Punjab, and the Additional Director General of Police (Administration), Punjab. The said writ petition was disposed of on 22.11.2019 directing the Government to take a final decision and to pass appropriate orders within a time frame.

Filing of the present writ petition was occasioned by the alleged failure on the part of the Government of Punjab in taking appropriate action pursuant to the above order.

When this case came up for hearing on 19.02.2020, this Court, while ordering notice of motion, directed the first respondent, viz., the Additional Chief Secretary, Department of Home Affairs and Jails, Punjab, to ensure compliance with the order dated 22.11.2019 passed in CWP-34097-2019 within three weeks. In the event of failure, the Additional Chief Secretary was directed to personally file an affidavit, explaining the position. On 20.07.2020, this Court noted the apparent failure to comply with the order dated 19.02.2020 and directed immediate reinstatement of the petitioner with effect from that date, subject to the final outcome of this writ petition.

In consequence, order dated 03.08.2020 was passed by the Special Chief Secretary, Department of Home Affairs and Justice, Government of Punjab, reinstating the petitioner in service w.e.f. 20.07.2020. The order also recorded that the issue of how the period of suspension undergone by the petitioner is to be treated would be subject to the result of the departmental inquiry pending against him.

Mr. Pankaj Bhardwaj, learned counsel for the petitioner, would inform this court that the inquiry has concluded, culminating in an inquiry report that absolved the petitioner of all charges.

However, it is for the disciplinary authority to take further steps in the light of this inquiry report. As the petitioner stands reinstated in service with the approval of the competent authority, this Court sees no necessity to keep this writ petition pending for adjudication on merits.

The writ petition is accordingly disposed of directing the disciplinary authority to conclude the disciplinary proceedings initiated against the petitioner expeditiously and, in any event, not later than two months from the date of receipt of a copy of this order. Needless to state, the disciplinary authority shall also deal with the issue as to how the period of suspension undergone by the petitioner shall be treated.

No order as to costs.

(SANJAY KUMAR)
JUDGE

12.10.2020

preeti	
whether speaking/non speaking	yes/no
whether reportable/non reportable	yes/no