

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

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**CWP No.10530 of 2020
Date of decision:24.07.2020**

Raj Kumar

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Sanjay K. Saini, Advocate for the petitioner.

SUVIR SEHGAL J. (ORAL)

This matter has been taken up for hearing through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed seeking issuance of writ in the nature of certiorari for quashing the impugned orders dated 04.01.2020, Annexure P-2 and 07.01.2020, Annexure P-3, passed by respondents No.3 and 5 respectively, whereby the petitioner has been placed under suspension and, was relieved from duty. The petitioner has further sought issuance of writ in the nature of mandamus directing the respondents to reinstate him to his original post with immediate effect along with all service benefits.

Counsel for the petitioner has relied on *proviso* to Rule 5(1) of the Haryana Civil Services (Punishment and Appeal) Rules, 2016 to urge that the maximum period for which an employee could be placed under

suspension without initiation of disciplinary proceedings is 180 days. He argues that the said period has already expired and his suspension stands automatically revoked. He submits that he has given representations to the respondents for his reinstatement to the post of Driver, but no action has been taken thereon.

Counsel submits that at this stage, the petitioner would be satisfied if a direction is issued to respondent No.3 to consider and decide his representation dated 16.06.2020, Annexure P-5, within a specified time frame.

Notice of motion.

On the asking of the Court, Mr. Samarth Sagar, Additional Advocate General, Haryana accepts notice. Advance copy of the petition has already been supplied to him.

State counsel does not oppose the prayer made by the counsel for the petitioner for decision on the representation.

In the light of the above, without going into the merits of the case or commenting thereon, the present petition is disposed of with a direction to the Deputy Commissioner, Karnal-respondent No.3 to consider and decide the representation dated 16.06.2020, Annexure P-5, submitted by the petitioner within a period of four weeks from the date of receipt of certified copy of this order in the light of the applicable Rules.

Writ petition stands disposed of.

24.07.2020

pooja saini

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No