

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

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CWP-12627-2020

Decided on : 14.12.2020

Rakesh Kumar

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: None for the petitioner.

Mr.Shivendra Swaroop, A.A.G., Haryana.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India is for quashing the order dated 11.08.2020 (Annexure P-3) whereby petitioner has been placed under suspension.

This Court had issued notice of motion on 25.08.2020 on the ground that there was no inquiry/trial pending against the petitioner as on date and the suspension cannot remain in perpetuity and also notice re: Stay.

In the reply filed by the State, it is submitted that a complaint was made against the petitioner on 02.08.2020 (Annexure R-1) that he was on duty on Raksha Bandhan in bus No.HR69-1868. A woman passenger had requested the petitioner to open the door and there were only 24 passengers in the bus, as per the advance booking bill but he had not allowed her to enter the bus even though it was the day of Raksha Bandhan festival. Respondent No.5, being the Duty Inspector, had asked him to do so but he had misbehaved. As per the reply, he

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was charge-sheeted on 19.08.2020 on account of the indiscipline and tarnishing the image of the Department in public. It has been mentioned that the petitioner has not at all submitted any reply to the charge-sheet which had been issued to him. It has further been averred that a complaint was also made by the petitioner against respondent No.5 whereby Enquiry Officer has been appointed on 20.08.2020. Similarly, another complaint was filed by the petitioner vide diary No.9604 on 13.03.2020.

It is the case of the State Counsel, on instructions from Shri Shivraj Ahlawat, ADA that the notice of motion order has been misconstrued by the department and the petitioner has been allowed to join duty.

It is, thus, apparent that the present writ petition has become infructuous as the petitioner has been allowed to join duty. It is made clear that it shall be open to the Department to proceed against the petitioner also, in view of the charge-sheet issued to him on 19.08.2020.

In view of the above-said facts, the present writ petition is disposed of.

DECEMBER 14, 2020

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**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No