

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

CWP-23082-2021

Date of Decision: 16.11.2021**PARDEEP KUMAR**

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Pardeep Kumar Sehrawat, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Grievance of the petitioner, *herein*, is qua an impugned order dated 26.05.2021 (Annexure P-4), vide which, he has been suspended and also issued a charge sheet dated 21.06.2021 (Annexure P-5).

2. Learned counsel for the petitioner submits that the petitioner is a Conductor in the Haryana Roadways Panipat Depot, Panipat. On 23.04.2021, he and his family members were down with fever and the intimation to this effect was given to the concerned Deputy Inspector. Thereafter, the medical team of Asha Health Worker of CHC Kawi had visited the house of the petitioner for check-up and treatment and accordingly provided medicine to them. Later on, both the wife and daughter of the petitioner were tested positive for COVID-19 and kept in home isolation. Learned counsel further submits that on 24.05.2021, the petitioner approached the respondents for joining duty and submitted all the related medical records but he was suspended and charge sheeted vide Annexure

P-5, without affording any opportunity of hearing and without giving any show cause notice to him.

3. On the other hand, on advance service, learned State counsel appears and submits that the petitioner is a habitual delinquent and has been absenting from service from time to time on one pretext or the other. She submits that the incident in hand also ostensibly arising out of his having suffered from COVID and on being asked to produce the proof thereof, he has not done so and merely provided the medical record of his wife and daughter.

4. Heard.

5. *Prima facie*, it seems that the petition has been filed pre-maturely as the departmental proceedings are still pending and are at a very preliminary stage. On a Court query, learned counsel for the petitioner submits that the petitioner could not have been suspended without issuance of a prior show-cause notice and/or having been granted an opportunity of personal hearing and therefore, the suspension order and subsequent proceedings including issuance of charge sheet are *ex-facie* not tenable. On a Court query, he is unable to show any provision of law which mandates that prior issuance of a show cause notice is a *sine qua non* before suspending a delinquent employee in contemplation of the departmental proceedings. The suspension order *per se* is neither to be construed stigmatic nor it should be taken as any reflection on the part of the employer to humiliate an employee. The limited purpose at the preliminary stage of such an action is to disassociate the employee from the office where he works since the departmental proceedings are in contemplation.

6. Be that as it may, without going into the rival contentions and the merits thereof, since the disciplinary proceedings are still at a preliminary stage, no grounds to interfere on that ground alone.

7. Dismissed with liberty to the petitioner to pursue his cause before the competent authority in accordance with law.

November 16, 2021
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No