

118 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24195-2021

Date of Decision:30.11.2021

PARVEEN KUMAR

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sunil Kumar Nehra, Advocate
for the petitioner.

Mr. R.K.S. Brar, Addl. A.G., Haryana.

(Presence marked through Video Conference)

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of *certiorari* quashing the impugned order dated 30.06.2021 endorsed on 01.07.2021 (Annexure P-1), vide which, he has been suspended from service.

2. Learned counsel for the petitioner submits that the petitioner was placed under suspension vide order dated 30.06.2021 and till date, no charge sheet has been issued to him. Learned counsel, while relying upon Rule 5 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016, submits that suspension shall not be valid, where the disciplinary proceedings are not initiated against the employee before the expiry of a period of 90 days from the date from which, he/she was suspended. Learned counsel for the petitioner submits that qua his aforesaid grievance, petitioner submitted representations dated 05.07.2021 and 04.10.2021 (Annexures P-9 and P-10, respectively), but to no avail. Hence, the instant petition.

3. Learned State counsel, on advance service, joins proceedings and states that competent authority shall take appropriate decision on the

pending representations dated 05.07.2021 and 04.10.2021 (Annexures P-9 and P-10, respectively),

4. At this stage, learned counsel for the petitioner also agrees that let a final decision is taken, either way, by the competent authority on the said pending representations dated 05.07.2021 and 04.10.2021, giving reasons thereof.

5. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

6. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner as per representations dated 05.07.2021 and 04.10.2021 (Annexures P-9 and P-10, respectively) and also by keeping in view the contention raised in the present petition by treating the same as supplementary representation and take a decision, in accordance with law.

7. Let the needful be done within a period of 60 days from today.

8. Disposed of accordingly.

(ARUN MONGA)
JUDGE

30.11.2021
gurpreet

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No