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

CWP No. 1524 of 2022

Date of Decision: 04.05.2022

Mohd Ashraf

..... Petitioners

Versus

State of Punjab and anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Imran Farooqi, Advocate for petitioner.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Article 226 of the Constitution, *inter-alia*, for quashing of the order dated 08.07.2019 (P-1); whereby petitioner was placed under suspension by respondent No.2.

2. Learned counsel contends that impugned order is wholly erroneous as the same has been passed without considering the material on record. Further contents that petitioner was afforded any opportunity of hearing before passing the aforesaid order.

3. For convenience, relevant part of the impugned order is reproduced as under:-

"Order No.85

Dated: 08.07.2019

Sh.Mohd. Ashraf son of Mohd. Hanif, in Sub-Division Engineer, Construction Sub Division No.1, Malerkotla has been working as a Beldar, Sub division Engineer vide its letter No.742 dated 24.06.2019 has reported that Mohd. Ashraf has been absent since 20.06.2019. That one criminal case vide FIR No.81 dated 21.06.2019 under Section 3, 4, 5, 6 of Immorval Traffic (Prevention) Act, 1956 against Modh. Ashraf has been registered. Police Station

Amargarh vide its written report dated 03.07.2019 stated that Mohd. Ashraf in above stated case has been arrested since 2206.2019 and as per the order of Hon’ble Sub-division Judge, Malerkotla, Modh. Ashraf has been sent to Sub Jail, Malerkotla and on basis of the report of the police station, this Division Office, Malerkotla vide its letter dated No.1956 dated 04.07.2019 through Deputy Jail Superintendent, Sub-Jail, Malerkotla has been written in its report. Deputy Jail Superintendent, Sub-Jail, Malerkotla, in its report No.5051 dated 05.07.2019 Mohd. Ashraf has been sent to the Sub-Jail, Malerkotla, by Hon’ble Judicial First Class, Malerkotla and he is in custody since 23.06.2019 and on basis of the registration of the case by the Police and the report of the Deputy Jail Superintendent, Mohd. Ashraf has been suspended and during suspension period, he would be entitled for subsistence allowances as per Chapter 7, Rule 7.2 of the Civil Service Rules, Part –I.”

4. Concededly, in view of Rule 15 of the Punjab Civil Services (Punishment & Appeal) Rules, 1970, statutory remedy of an appeal is available to petitioner against the impugned order. As such, without going into the merits of controversy, present writ petition is liable to be dismissed only on this count.
5. Ordered accordingly.
6. However, it is made clear that dismissal of the present writ petition shall not debar the petitioner from invoking remedy of appeal, if so advised and the same shall be considered in accordance with law.

04.05.2022
sanjay

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No