

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.116

C.W.P. No.6309 of 2022

Date of Decision : March 28, 2022

Jagminder Singh Petitioner
vs.
State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA.

Present : Mr. Sandeep Lather, Advocate
for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

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ARUN MONGA, J. (Oral) :

Through the present writ petition, quashing of order dated 07.03.2022 (Annexure P-9) is sought vide which the services of the petitioner have been placed under suspension. Preliminary inquiry report dated 20.12.2021 (Annexure P-7) has also been impugned, alleging it to be in violation of the principles of natural justice.

Learned counsel for the petitioner contends that the impugned order dated 07.03.2022 (Annexure P-9) is ostensibly under Rule 5(2-a) of the Haryana Civil Services Rules- 2016, which envisages that in the event of an employee having remained under suspension for more than 48 hours, his services are to be put under suspension. He contends that the petitioner has never been detained in any criminal proceedings in the past and yet his services have been put under suspension.

Having perused the record appended with the writ petition, it does appear that the impugned order has been passed inadvertently under Rule 5(2-a) *ibid*. It ought to have been passed under Rule 5(1) of the Rules and to that extent, there seems to be a typographical error.

As regards the other contention that the petitioner could not have been suspended on the basis of preliminary inquiry report dated 20.12.2021 (Annexure P-7), I do not find any ground to interfere. The writ petition has been filed prematurely without waiting for the outcome of the contemplated departmental proceedings initiated pursuant to the aforesaid preliminary inquiry report. Proceedings are still at a very nascent stage.

Without commenting on the merits of the case, the petition is dismissed with liberty to the petitioner to put-forth his defense before the competent authority in course of departmental proceedings.

March 28, 2022
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(ARUN MONGA)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No</i>