

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16543-2022

Date of Decision: 01.08.2022

RAJ KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R.K. Handa, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of *certiorari* for quashing the impugned suspension order dated 22.07.2022 (Annexure P-5) and Show Cause Notice dated 21.07.2022 (Annexure P-3) issued to him by the respondents.

2. Plead case of the petitioner, working as clerk, is that due to health issues, he remained absent from work in the months of June and July-2022. Resultantly, the respondents issued Show Cause Notice to the petitioner on 21.07.2022 to submit his reply within a period of three days. However, even before the expiry of time to submit reply, he has been suspended from service on 22.07.2022. Hence, the present petition.

3. On advance service of copy of the petition, learned State counsel appears and opposes issuance of notice of motion. He submits that the petitioner is, in fact, involved in a criminal case bearing FIR No.266 dated 23.06.2022 registered under Sections 420, 467, 468, 471, 120-B IPC, 1860 and Section 66(C) of Information Technology Act, 2000 at Police Station Sector 7, Panchkula, District Panchkula.

4. Whereas, learned counsel informs that petitioner filed an anticipatory bail petition vide **CRM-M-30432-2022** before this Court. Vide an order dated 18.07.2022, he was granted interim anticipatory bail.

5. Heard.

6. I am of the view, the petition has been filed pre-maturely before this court. Same is thus dismissed with liberty to the petitioner to take all his defence before the competent authority. It is expected of the competent authority to pass a speaking order on the pending Show Cause Notice, in accordance with law.

7. Qua the other grievance, inasmuch as, directing the petitioner to report at Sirsa during the period of suspension instead of Panchkula, where he was earlier posted, I do find any ground to interfere on that count either. Since, learned State counsel, on instructions from Ms. Gunjan Verma, DTP, Panchkula, apprises that the petitioner has already joined at Sirsa. The petitioner is, however, at liberty to move a representation for mitigation of his grievance.

8. Disposed of accordingly.

August 01, 2022
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No