

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

222

CWP-3007-2019 (O&M)
Date of decision : 06.07.2023

NIHAL SINGH

...PETITIONER

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. A.K. Virdi, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana
for respondent No.1-State.

Mr. S.S. Narula, Advocate with
Mr. Sidharth Grover, Advocate
for respondents No.2 and 3.

SANDEEP MOUDGIL, J. (ORAL)

1. Instant writ petition was preferred seeking quashing of stigmatic impugned order of suspension dated 20.11.2018 (Annexure P-1) alleging to be issued without assigning any reason on which a charge-sheet was also issued on 12.12.2018.

2. Learned counsel for the petitioner has referred to Rule 87 of Haryana Civil Services General Rules, 2016 (for short 'the HCS Rules') to submit that once at the time of retirement 'no objection' was raised, a specific order has to be passed by the authority regarding the pay and allowances to be paid to the employee for the period of his

absence during suspension. However, in the instant case no such order was ever passed by the authority at the time of retirement of the petitioner who was allowed to superannuate with 'no objection'.

3. On the other hand, learned counsel for respondents No.2 and 3 has vehemently contended that the case of the petitioner would not fall within the ambit of Rule 87 of the HCS Rules wherein such order is to be passed if the delinquent employee was ordered to be reinstated prior to his retirement and in the instant case the petitioner is still under suspension, therefore, no specific order has been passed under Rule 87 at the time of his retirement.

4. Learned counsel for respondents No.2 and 3 has also informed the Court and drew attention to an order dated 10.01.2020 (Annexure R-2/5) attached with application bearing No.CM-2626-CWP-2020, stating that the show cause notice, impugned in the present writ petition, has culminated into the final order of punishment vide order dated 26.04.2019 which is also under challenge in separate writ petition bearing CWP No.29341 of 2019 listed for 14.08.2023 before this Court in motion hearing.

5. In the light of above aspect, this Court is of the view that once the order of suspension, impugned in the instant writ petition dated 20.11.2018 (Annexure P-1), has culminated into the punishment order dated 26.04.2019 which is assailed in the separate writ petition bearing CWP No.29341 of 2019, nothing survives in the instant writ petition and as such is rendered infructuous.

6. The instant petition is disposed of accordingly.
7. However, the petitioner is at liberty to take all such pleas raised herein, in the other writ petition bearing CWP No.29341 of 2019 whereby the final punishment order has been challenged.
8. Misc. Application(s) pending, if any, shall also stand disposed of accordingly.

06.07.2023 <i>kothiyal</i>		(SANDEEP MOUDGIL) JUDGE
	Whether speaking/reasoned:	Yes/No
	Whether Reportable:	Yes/No