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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2697-2018

Date of decision: 07.02.2023

PAVITAR GULIA

...Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Narinder Singh Behgal, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Articles 226/227 of the Constitution of India, seeking to challenge the suspension order dated 12.01.2016 (Annexure P-1) and its continuity thereafter.

Learned counsel for the petitioner would contend that vide order dated 12.01.2016, the petitioner was placed under suspension and as on date, he has not been served with the copy of the charge-sheet. He would submit that the continued suspension beyond the period of six months is in violation of the Haryana Civil Services (Punishment and Appeal) Rules, 2016, which stipulates that where a Government employee against whom disciplinary proceedings are contemplated is suspended, such suspension shall not be valid where the disciplinary proceedings are not initiated against him before the expiry of 90 days from the date from which the employee was suspended. The petitioner herein was suspended on 12.01.2016 and as on the date of filing of the writ

petition i.e. on 01.12.2017 and till 06.02.2018, when the matter came up for hearing before this Court, there was no charge-sheet issued to the petitioner.

Pursuant to notice of motion having been issued having been issued on 06.02.2018, a reply has been filed on behalf of respondents No.1 and 2 in Court today, which is taken on record.

Learned State counsel would submit that the petitioner herein stands reinstated and a charge-sheet has been issued to him dated 05.09.2016. He would argue that the instant writ petition has now been rendered infructuous because of the limited prayer made thereunder and the petitioner stands reinstated in service.

I have heard learned counsel for the parties and have also perused the rules as relied upon by learned counsel for the petitioner, which contemplate a charge-sheet to be served within a period of 90 days from the date of suspension.

Admittedly, the petitioner herein was suspended on 12.01.2016 and the charge-sheet had not been issued to him within the stipulated period of 90 days. However, taking into account the fact that the petitioner stands reinstated in service, no further orders are called for in the present writ petition and the same is disposed of, leaving it open to the authorities concerned to decide the matter of the petitioner on the basis of charge-sheet issued and the reply filed, in accordance with law.

07.02.2023
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No