

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-22369-2021(O&M)

Date of decision : 06.09.2023

The Governing Body of Akal Degree College for Women, Sangrur and
another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Arjun Pratap Atma Ram, Advocate for the petitioners.

Mr.Rohit Bansal, Sr.DAG, Punjab for respondents no.1 to 3.

Mr.Mayank Mathur, Advocate for respondent no.4.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 26.10.2021 (Annexure P-17) whereby respondent no.1 has set aside the order of suspension of respondent no.4.

2. Learned counsel for respondent no.4 has submitted that as per the provision of Section 2-B of the Punjab Affiliated Colleges (Security of Service Employees) Act 1974, an employee cannot be kept under suspension for a period exceeding 6 months without the prior approval of the Secretary to the Government of Punjab and since respondent no.4 has already suffered suspension of 6 months, she was reinstated by the Administrator appointed by the Government and thus, as far as the plea of suspension is concerned, nothing survives in the matter and the same has
been rendered infructuous.

3. Learned counsel for the petitioners does not dispute the said fact but has submitted that respondent no.4 has been issued two charge sheets and proceedings in the said charge sheets have culminated and a proposal for terminating the services of respondent no.4 has already been forwarded to the DPI on 17.10.2022 but no final decision on the same has been taken and has made a limiter prayer that the DPI be directed to take a final decision on the same, in accordance with law, as expeditiously as possible.

4. Learned State counsel has submitted that a decision on the recommendation would be taken by the DPI as expeditiously as possible, preferably within a period of 8 weeks from the date of the receipt of certified copy of the present order.

5. Keeping in view of the above said facts and circumstances and also the statements made by learned counsel for the parties, the petition qua challenge to the suspension order is disposed of as having been rendered infructuous. Respondent no.3 is directed to pass a final order with respect to the recommendation made by the petitioners and forwarded to respondent no.3 on 17.10.2022 (Annexure P-26) as expeditiously as possible, preferably within a period of 8 weeks from the date of receipt of certified copy of the present order. Respondent no.3 would also issue notices to the petitioners and respondent no.4 before taking any final decision on the same.

6. Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

September 06, 2023.

Davinder Kumar