

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

113

CWP No. 24297-2023 (O&M)
Decided on : 02.11.2023

ANIL

...PETITIONER

Versus

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Mohinder Pal, Advocate for the petitioner.

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

HARSIMRAN SINGH SETHI , J. (Oral)

1. Learned counsel for the petitioner submits that petitioner was suspended by the respondents-department vide order dated 13.02.2023 (Annexure P-3) but no charge-sheet was served upon him within a period of 90 days hence, the suspension order was liable to be withdrawn. Learned counsel for the petitioner also submits that charge-sheet which has been served upon the petitioner has been served after a period of 90 days of suspension order and therefore, the respondents are under obligation to consider the claim of the petitioner as to whether, the petitioner needs to be remained under suspension or not.

2 Learned counsel for the petitioner further submits that the petitioner has already raised the said grievance in the representation dated 29.06.2023 (Annexure P-7), which is also a reply to the charge-sheet, hence, the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the claim of the petitioner as to whether, the petitioner needs to be reinstated in service during the pendency of the disciplinary proceedings.

3. Notice of motion.
4. Mr. Pankaj Middha, Addl. A. G. Haryana, who is present in Court, accepts notice on behalf of State of Haryana-respondents
5. Learned State counsel submits that in case the petitioner has any grievance with regard to the action of the department keeping in view the suspension during the pendency of disciplinary proceedings, he is free to file appropriate representation claiming the benefit of reinstatement and in case any such representation is filed by the petitioner, the same will be considered and decided in accordance with law within a period of eight weeks from the date of receipt of a copy of this order by passing appropriate speaking order.
6. Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed, at this stage, with liberty to file a representation with respondents so as to raise all the claims as raised in the present petition.
7. Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

02.11.2023

Riya

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*