

243

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-31502-2018

Date of decision: 06.12.2023

Akashdeep

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Abhimanyu Singh, Advocate and
Mr. Parveen Kumar, Advocate and
Mr. Monit Pal Singh, Advocate for the petitioner.

Ms. Palika Monga, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the suspension order dated 29.11.2018 (Annexure P-2) passed by respondent No.1 whereby the services of the petitioner have been ordered to be suspended and the petitioner has been directed to be charge sheeted as per Rule 7 of the Punishment and Appeal Rules, 2016.

2. Learned State Counsel has submitted that the present writ petition is premature inasmuch as the disciplinary proceedings have only been initiated and the petitioner had been placed under suspension and it is against the said order that the present petition has been filed and on account of the operation of the impugned order having been stayed, the disciplinary proceedings could not proceed any further.

3. Learned counsel for the petitioner has submitted that the stay

order granted by the Coordinate Bench of this Court, has been continuing for a period of more than four years and 11 months and thus, prayed that the respondent-authorities be directed to reconsider the matter with respect to the suspension of the petitioner and he be permitted to take up all the pleas which have been raised in the present writ petition and are available to him, in the departmental inquiry.

4. Keeping in view the abovesaid facts and circumstances and the limited prayer made by the petitioner, the present writ petition is disposed of with the following directions:-

- i) The respondent-authorities would be permitted to continue with the departmental proceedings and the petitioner would be at liberty to raise all the pleas which have been raised in the present writ petition and are available to him, in the said departmental proceedings.
- ii) Since the order of suspension was passed way back on 29.11.2018, thus, the authorities would reconsider the matter with respect to suspension of the petitioner and pass a fresh order regarding the same within a period of one month from today. Till the time the fresh order is not passed on the aspect of suspension, suspension of the petitioner would be kept in abeyance.

5. It is made clear that this Court has not opined on the merits of the case, both on the aspect of suspension as well as on the aspect of departmental proceedings and the authorities would proceed independently, in accordance with law.

06.12.2023

Pawan

**(VIKAS BAHL)
JUDGE**

**Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No**