

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

124

CWP-6211-2024 (O&M)
Date of decision: 15.03.2024

Jaswinder Singh
.....Petitioner
Versus
State of Punjab and Others
...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Shakti Mehta, Advocate for the petitioner

AMAN CHAUDHARY. J.

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of the impugned suspension order dated 27.02.2023, passed by respondent No.2, whereby the services of the petitioner were placed under suspension.
2. Learned counsel would contend that the petitioner has been under suspension for more than 1 year and no chargesheet has been issued to him and even, the subsistence allowance being paid is only 50%. He refers to the circular dated 16.05.1978, Annexure P-4, as per Clause-IV thereof that in case, where a decision cannot be taken within a period of one year, the concerned employee should be eligible for reinstatement and the chargesheet has to be served within 3 months. In this regard, a legal notice dated 12.02.2024, Annexure P-5, has been served upon respondents, which has yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to the respondents to decide the same in a time bound manner by granting him an opportunity of hearing.

3. Notice of motion.
4. At the asking of the Court, Mr. Satnam Preet Singh, DAG Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.
5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider and decide the legal notice dated 12.02.2024, Annexure P-5, taking note of the circular dated 16.05.1978 as also the pleas raised within a period of 3 months.

(AMAN CHAUDHARY)
JUDGE

15.03.2024
M.Kamra

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