

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

112

CWP-9044-2024 (O&M)

Date of decision: 29.04.2024

Shiv Karan Singh

..Petitioner

Versus

State of Punjab and ors.

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. DS Patwalia, Sr. Advocate with
Mr. Adityajit Singh Chadha, Advocate
for the petitioner.

AMAN CHAUDHARY, J (Oral)

1. The present petition has been filed for quashing the letters dated 02.04.2024 and 05.04.2024, Annexures P11 and P13, respectively, issued by the respondents.
2. Learned Senior counsel submits that the petitioner was ordered to be and has consequently been relieved, with the recommendations by respondent No.3, that he may be placed under suspension and the departmental action may also be taken against him, which could only have been done by his disciplinary authority.
3. Notably, the petitioner was relieved of his duties by respondent Nos.2 and 3, who, pursuant to his posting, had allowed him to join. Learned Senior counsel has not been able to demonstrate that such an order can be construed as punitive, it having no adverse affect on his service, as he would not remain without any posting, for which fresh orders would be required to be passed by respondent No.1.
4. While the next submission canvassed, on the first flush, may appear attractive but is fallacious in substance, as disciplinary proceedings have not been

initiated by respondent No.2, but a recommendation that action may be taken, has been made, on the basis of allegations of certain acts of omission and commission, as the petitioner was serving in the said Department and it is for the competent authority to apply its mind and take a decision thereon, in accordance with law. This Court cannot delve into the truthfulness or otherwise of the allegations, to which there was no quarrel.

5. Concededly, the petitioner stands relieved, the order being with immediate effect.

6. In the aforesaid facts and circumstances of the case, this Court finds there to be no merit in the present petition, the same is thus, hereby dismissed.

29.04.2024
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No