

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

CWP No. 9258 of 2024
Date of Decision : 26.04.2024

Sh. Vishnu Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Malik, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order of suspension dated 15.12.2023 (Annexure P-4) by which the petitioner was suspended from service in anticipation of holding the disciplinary proceedings.
2. Learned counsel for the petitioner submits that as per Haryana Civil Services (Punishment and Appeal) Rules, 2016, an employee can only be suspended for a period of 90 days in anticipation of the disciplinary proceedings, after which unless and until the approval is taken from the competent authority to extend the same, the said order of suspension becomes invalid.
3. Notice of motion.

4. On the asking of the Court, Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

5. Learned counsel for the respondents, on instructions from Mr. Vineet Kumar, ETO and Mr. Vimal Kumar, Assistant submits that the period of 90 days has already lapsed since the date of suspension and no disciplinary proceedings have been initiated against the petitioner. Learned State counsel further submits that the petitioner has already filed a representation challenging the order of suspension and the said representation will be examined keeping in view Rule 5 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016 and appropriate order will be passed within a period of eight weeks from the date of receipt of copy of this order.

6. Learned counsel for the petitioner submits that as, nothing has come on record that the respondents have initiated the disciplinary proceedings against the petitioner coupled with the fact that 90 days are over, the operation of the impugned order should be stayed till the decision of the said representation and the petitioner be allowed to continue to discharge the duties.

7. Prima-facie, after a period of 90 days of the issuance of order of suspension in case, the disciplinary proceedings are not initiated, no justifiable ground exists to continue in suspension of an employee, hence, by giving the respondents an opportunity to pass appropriate order on the

representation of the petitioner so as to decide whether the order of suspension can be continued, till the decision on the said representation, the order of suspension shall be kept in abeyance subject to the condition that petitioner will be allowed to discharge the duties. In case, any adverse order is passed against the petitioner, the petitioner will be at liberty to avail appropriate remedy.

8. Disposed of.

April 26th, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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