



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

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**CWP No.10234 of 2024
Date of Decision : 8.5.2024**

*Narender Singh**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. V.P. Sangwan, Advocate, for the petitioner

TRIBHUVAN DAHIYA J. (ORAL):

The petition has been filed seeking a writ of *certiorari* quashing the suspension order dated 20.2.2022, Annexure P-6, and charge-sheet dated 10.7.2023, Annexure P-8. Further, a writ of mandamus has been sought directing the respondents to pay salary and subsistence allowance to the petitioner, and reinstate him in the service as Post Graduate Teacher (PGT)-Mathematics in Education Department.

2. The petitioner was placed under suspension vide order dated 20.2.2022, and was issued a charge-sheet dated 10.7.2023, which has been replied to by him. Disciplinary proceedings pursuant thereto are going on.

3. Learned counsel for the petitioner contends that the suspension order is illegal since the officer who passed the same, superannuated from service on 28.2.2022. In terms of letter, dated 9.4.2021, no administrative secretary is to issue orders in disciplinary matters without prior permission of the Chief Secretary which was never sought. Therefore, the

suspension order is not sustainable. He further contends that the petitioner is not being paid salary and subsistence allowance, to which he is entitled.

4. Heard.

5. Merely because the impugned order of suspension had been passed by an officer who was due to retire from service shortly, in itself is not a ground to declare it illegal. The said letter issued by the Chief Secretary, dated 9.4.2021, has not been placed on record. Even otherwise, pursuant to the order of suspension, the petitioner stands charge-sheeted as well, and disciplinary proceedings are pending. The second contention of learned counsel regarding non-payment of salary is also not sustainable since, admittedly, the petitioner has been placed under suspension. He is therefore entitled to subsistence allowance only, unless reinstated during the pendency of the disciplinary proceedings. Accordingly, these claims are not maintainable.

6. So far as the subsistence allowance is concerned, in case the same is not being paid, the petitioner will be at liberty to agitate his rights in that regard with the respondents.

7. Disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

8.5.2024
Ashwani

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