



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109) CM-12224-CWP-2024 in/and
CWP No. 18467 of 2024
Date of Decision : 05.08.2024

Bikramjit Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shubham Bhardwaj, Advocate for the petitioner.
Mr. Arun Gupta, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

CM-12224-CWP-2024

Application is allowed, as prayed for.

CWP No. 18467 of 2024

1. In the present petition, the challenge is to the order dated 26.07.2024 (Annexure P-1) by which the petitioner has been suspended from service in contemplation of the disciplinary proceedings.
2. Learned counsel for the petitioner argues that the order suspending the petitioner is arbitrary and illegal and is contrary to the Punjab Civil Services (Punishment and Appeal) Rules, 1970 (hereinafter referred to as '1970 Rules') as, it has not been mentioned in the order as to whether, the



petitioner is being suspended under Rule 4(1)(a) or 4(1)(b). Learned counsel further argues that without giving any opportunity of hearing to the petitioner, the petitioner has been suspended and the said order has caused immense prejudice to the petitioner. The last argument is that even if the order of suspension is valid in the eyes of law but the action of respondents of fixing the Headquarter of the petitioner at Chandigarh though, at the time of suspension the petitioner was posted at Amritsar, amounts to double punishment.

3. Notice of motion.

4. On the asking of the Court, Mr. Arun Gupta, learned Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

5. Learned counsel for the respondents submits that keeping in view Rule 4 of 1970 Rules, the petitioner has been suspended in contemplation of the enquiry, hence, keeping in view the contemplated enquiry proceedings against the petitioner, the jurisdiction to suspend the petitioner very well exists with the authorities concerned which has been exercised hence, no grievance can be raised. Learned State counsel submitted that in due course, the disciplinary proceedings will also be initiated against the petitioner under 1970 Rules. It is being further mentioned that as the department apprehended that the petitioner will interfere with the disciplinary proceedings, therefore, his Headquarter has been fixed at Chandigarh.



6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. As per the settled principle of law, suspension is not a punishment. Once, the same is not punishment, in case the department intends to initiate a disciplinary proceedings, the jurisdiction to suspend the petitioner very well exists with the respondents.

8. The argument that without due application of mind, the petitioner has been suspended, cannot be accepted. Once, in the order Rule 4(1) of 1970 Rules has been mentioned, merely that Rule 4(1)(a) or 4(1)(b) has not been mentioned will not vitiate the order itself. It is a conceded case that as of now there is no criminal case pending against the petitioner, hence, it is presumed that the petitioner has been suspended under Rule 4(1)(a) of 1970 Rules and, therefore, the argument of the learned counsel for the petitioner that non-mentioning of Rule 4(1)(a) or 4(1)(b) will vitiate the order, cannot be accepted by this Court.

9. The last argument, which has been raised by the learned counsel for the petitioner is that petitioner's Headquarter has been fixed at Chandigarh though, at the time of suspension the petitioner was working at Amritsar, hence, at least the petitioner's Headquarter should be fixed at Amritsar only so that petitioner does not have to shift Chandigarh.

10. The argument, which has been raised by the learned counsel for the petitioner is meritorious. During the suspension, the petitioner is only to mark his presence. Nothing has come on record that the petitioner is

interfering in the disciplinary proceedings for the reason that the disciplinary proceedings are yet to be initiated as the charge-sheet is yet to be served upon the petitioner, hence, the fixing of the Headquarter of the petitioner at Chandigarh needs re-consideration at the hands of the respondents so as to allow the petitioner to continue at Amritsar as his Headquarter. Let appropriate order be passed within a week of receipt of this order.

11. With these observations, the present petition qua the jurisdiction with the respondents to suspend the petitioner is dismissed.

August 05, 2024 (HARSIMRAN SINGH SETHI)
kanchan JUDGE

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