



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

CWP-32788-2024

Date of Decision : 05-12-2024

JASPREET SINGH SIDHU AND ANOTHERPetitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHERRespondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K Arora, Advocate for the petitioners.

Mr. Swapan Shorey, DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

Learned counsel for the petitioners submits that the petitioners have been kept under suspension but no action has been taken to withdraw the said order even after the expiry of 70 days as, the chargesheet has not been served though, in the criminal proceedings the challan has been submitted.

Learned counsel for the petitioners argues that the respondents are under obligation to re-consider the suspension of the petitioners keeping in view of the Rules governing the service according to which, in case the disciplinary proceedings have not been initiated against the employee within a period of 90 days of the suspension, the order of suspension needs to be

withdrawn and in the present case, even the charges have not been framed hence, as per the judgment of the Hon'ble Supreme Court of India in “***Union of India etc. Vs. K.V. Jankiraman etc.***”, decided on 27.08.1991, wherein it cannot be said that any criminal proceedings is pending against the petitioners as of now so as to suspend him.

Learned counsel for the petitioners further submits that even once, the period of 6 months has elapsed, the petitioner is entitled for enhancement of the suspension allowance which benefit has also not been extended to him.

Learned counsel for the petitioners submits that the issue raised in the present petition has also been raised in the representations dated 04.11.2024, copy of which have been appended as Annexure P-9 and Annexure P-10 but the same is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Swapan Shorey, DAG Punjab. who is present in Court, accepts notice on behalf of the respondent-State and submits that in case, the representations dated 04.11.2024, (Annexure P-9 and Annexure P-10) have been received in the office of the concerned authorities and the same is still pending consideration with the authorities concerned, the same will be decided by the competent authority within a period of ***four weeks*** from the date of the receipt of certified copy of this order by passing an appropriate speaking order. Learned counsel further

submits that in case, it is found feasible to accept the claim of the petitioners, the same will be accepted, otherwise due reasons will be mentioned for not accepting the claim of the petitioners in the speaking order to be passed and the said order will be duly conveyed to the petitioners.

Learned counsel for the petitioners submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further.

Ordered accordingly.

05-12-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
 Whether reportable: YES/NO