



CWP-33646-2024

-1-

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

106

CWP-33646-2024

Date of Decision: 20.12.2024

Lakhpatt Singh

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Madan Pal, Advocate, and
Mr. Pramjeet Singh, Advocate for the petitioner
Ms. Tanushree Gupta, DAG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order, dated 10.12.2024, Annexure P-5, whereby the petitioner has been placed under suspension. It has further been ordered that during suspension his headquarter will be the office of District Elementary Education Officer (DEEO), Palwal, and will not leave headquarter without prior permission of the competent authority.

2. Learned counsel for the petitioner has contended that there is no ground to place the petitioner under suspension. More so, when no disciplinary action has been initiated nor has any chargesheet been issued to him. He further contends that there is no justification to order that during the period of suspension his headquarter will be office of DEEO, Palwal, which is about two hundred kms away from Israna, where he was posted. Unreasonable conditions have also been imposed upon him during the period of suspension, requiring him not to leave the headquarter without permission of the competent authorities, which is illegal.



CWP-33646-2024

-2-

3. Learned State counsel, on instructions received from the second respondent vide letter dated 19.12.2024, contends that while the petitioner was working as Elementary School Headmaster, Government Middle School, Hartari, Block-Israna, Panipat, there were complaints against him of being habitual slacker, remaining absent from official duties, tampering with official records, and appointing female staff without permission/information to the higher authorities. A fact finding enquiry was instituted into the complaint and based upon its report the petitioner's services were placed under suspension; disciplinary action has been recommended against him.

3.1. She further contends that pursuant to the impugned suspension order, the petitioner has already been relieved from duties on 10.12.2024. The reason for assigning him headquarter at Palwal as per the aforementioned instructions is, "*... that the Headquarter of the petitioner was made at Palwal so that the petitioner could not tamper with the official record of the School. Further, the Headquarter was made at a distance of approx. 200 kms so that the petitioner could not take undue advantage of his job or could not infringe/influence the working of the authorities. Since, the petitioner has appointed two female staff for teaching on his behalf which shows his hold over the Administration of the School*".

4. Faced with the situation, learned counsel for the petitioner contends that the petitioner will respond to the chargesheet, if any, issued to him. However, the suspension order is illegal and without justification so far it has posted the petitioner at a far away place in the office of DEEO, Palwal.

5. Heard.

6. The justification put forth by the respondents in fixing the petitioner's headquarter at a distance of about two hundred kms from his present

place of posting is not acceptable. Once an employee has been suspended, the employer-employee relation gets snapped and no work can be assigned to him during the period of suspension. Thus there is no reason to believe that he can still take undue advantage of his job and/or influence the working of office/authorities. Unless there is substantial plausible material to give credence to the allegation of a suspended employee influencing the working of the office, etc., the same cannot be believed. And in the instant case, no such material has even been referred to. Further, it is not the respondents’ case that the petitioner will be entitled to house rent or travelling allowance for travelling from his previous place of posting in Israna to Palwal. Resultantly, assigning such a headquarter is more in the nature of punishment to the petitioner, as it does not serve any other purpose.

7. In view thereof, the impugned order, dated 10.12.2024, to the extent it orders that during suspension the petitioner’s headquarter will be the office of DEEO, Palwal, is set aside with liberty to the respondents to pass an appropriate order in accordance with law for assigning headquarters to him during suspension.

8. Disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

20.12.2024
Payal

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