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

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CWP-10568-2025 (O&M)
Date of Decision: 13.08.2025.

VIJAY KUMAR

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

PRESENT: Mr. Jaspal Singh Maanipur, Advocate, with
Ms. Harpreet Kaur, Advocate, and
Mr. Joypreet Meelu, Advocate,
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J (ORAL)

Challenge in the present writ petition is to the order dated 03.04.2025 (Annexure P-12) whereby the petitioner has been suspended.

2 Learned counsel for the petitioner, however, restricts his prayer and contends that on account of efflux of time, the petitioner is required to be reinstated since no disciplinary proceedings have been initiated against the petitioner despite expiry of 90 days within which

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the disciplinary proceedings had to be initiated. He submits that there is no order passed by the competent authority to an effect that the petitioner has to be kept under suspension till culmination of the disciplinary proceedings as per Rule 5 (6) of the Haryana Civil Services (Punishment and Appeal) Rules, 2016. In the absence thereof, the case of the petitioner was required to be dealt with under Rule 5 (1) of the Haryana Civil Services (Punishment and Appeal) Rules, 2016 and on expiry of the time, the suspension was to become invalid.

3 Learned counsel for the respondent-State confines his argument only to the extent that a challenge cannot be raised to the order of suspension since it is not a punishment. However, despite a specific query put to the counsel as to whether any permission has been taken for extending the period of initiation of disciplinary proceedings and/or as to whether any order has been passed by the competent authority under Rule 5 (6) of the Haryana Civil Services (Punishment and Appeal) Rules, 2016, he submits that he has no instructions in this regard and seemingly no such order was passed.

4 By way of pleading lack of instructions, the respondent State cannot be permitted to delay the proceedings indefinitely only because the administrative Department is not careful and is not diligently pursuing the matters or does not depute anybody to assist the State counsel. In matters such as suspension, where the durations are limited and timelines are significant, delay in the proceedings in

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such a manner is only a way by which a petition may be rendered infructuous and end up in futility and without any substantive relief to the petitioner. Same is being followed as a matter of practice by the respondent authorities in routine manner and deserves to be deprecated.

5 Since there is no order passed by the competent authority for keeping the petitioner under suspension till termination of the disciplinary proceedings and there also being no order by the competent authority approving extension of the period during which the disciplinary proceedings could be initiated and noticing that undisputedly a period of more than 90 days has elapsed and the departmental proceedings have not been initiated, I am of the opinion that under the aforesaid changed circumstances, the order of suspension cannot be enforced any further against the petitioner.

6 Consequently, the suspension order dated 03.04.2025 (Annexure P-12) shall be deemed to have been rendered invalid and shall stand revoked under these circumstances.

7 The present writ petition stands disposed of in above terms.

August 13, 2025.	(VINOD S. BHAR DWAJ)
raj arora	JUDGE
<i>Whether speaking/reasoned</i>	: Yes/No
<i>Whether reportable</i>	: Yes/No