



CWP-10750-2025

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

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CWP-10750-2025

Date of Decision: 09.04.2025

Sharmila

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Saurabh Bajaj, Advocate for the petitioner

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 02.04.2025, Annexure P-10, whereby the petitioner has been placed under suspension with immediate effect; and also the chargesheet dated 12.03.2025, Annexure P-8.

2. Learned counsel has contended that the impugned chargesheet was received by the petitioner only on 02.04.2025. In terms therewith, she was required to inform in writing within fifteen days whether she admitted the charges or not, still the impugned suspension order was passed on that date itself without allowing her to respond. Since adequate opportunity to reply to the chargesheet has not been given before passing the suspension order, the same is rendered unsustainable. It is for the reason suspension is a punishment which entitles her to fifty per cent of the salary only as subsistence allowance. *Secondly*, it has been contended that the suspension order is *mala fide* as it has been issued on the asking of the fifth respondent against whom the petitioner had made a complaint earlier which led to the second respondent seeking her explanation vide memo dated 09.08.2024, Annexure P-4. In fact, the chargesheet itself has been issued under influence of the fifth respondent who



nurses a grudge against the petitioner on account of the complaint aforementioned.

3. Heard.

4. Learned counsel has not referred to any rule prescribing 'suspension' as a punishment for employees. As per settled law, suspension is not a punishment as it does not adversely affect an employee's service career, nor is it stigmatic. It is only a temporary halt in performance of regular services by the employee keeping in view the nature of misconduct alleged, and the need to keep him/her away from office work due to the disciplinary action contemplated/initiated. As the regular duties are not to be assigned during suspension, the employee concerned is only paid certain percentage of salary as subsistence allowance, subject to final outcome of the disciplinary proceedings. Accordingly, the disciplinary authority is within its rights to place an employee under suspension against whom disciplinary action is contemplated. In the instant case, the action has already been initiated as the petitioner has been charge-sheeted. In such circumstances, if the competent authority has deemed it appropriate to place her under suspension, no exception can be taken to it.

5. Secondly, suspension order cannot be termed illegal only because it has been passed on the day chargesheet, dated 12.03.2025, was received by the petitioner. Apparently, the suspension is not linked to the date of receiving the chargesheet, or the petitioner not having submitted her reply to the same. The chargesheet itself provides her fifteen days time to reply to the charges, and she is within her rights to do so within fifteen days of receiving the same irrespective of the order of suspension having been passed.



6. Thirdly, there is no reason to believe that the impugned suspension order and the chargesheet are *mala fide*, and have been issued on the asking of the fifth respondent who is working as Head Teacher at Government Middle School, Kalupur. A perusal of the chargesheet shows it has been issued by the third respondent/Director General, Elementary Education based upon a fact-finding inquiry report dated 24.10.2024, concluding that the petitioner slapped and threatened DPE Sunita; the incident was confirmed by Usha Rani, TGT Sanskrit and also the students of B.Ed. present there. It is also concluded that she has been disobeying orders issued by the Drawing and Disbursing Officer. Therefore, the chargesheet has been issued based upon a fact finding inquiry concerning specific instances of misconduct by the petitioner which appear to have no concern with the said complaint petitioner made against the fifth respondent. Further, there is no material or document on record which could even *prima facie* indicate that the chargesheet and the suspension order have been issued under influence of the fifth respondent, nor is there any reason for this Court to believe that the third respondent would act under the influence of the fifth respondent, a subordinate officer.

7. In view of the reasons aforementioned, the petition is without any merit and stands dismissed accordingly.

(TRIBHUVAN DAHIYA)
JUDGE

09.04.2025
Payal

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