

2025:PHHC:060605



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

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**CWP-12751-2025
Date of Decision: 06.05.2025**

ABHISHEK LAMBA

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Ashok Kaushik, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing respondent No.4 for concluding the pending inquiry against the petitioner on the basis of the report dated 20.01.2025 (Annexure P-12) submitted by respondent No.5, whereby the petitioner has been exonerated from the charges and has been ordered to be reinstated to his post by considering his suspension period as 'duty period'.

Learned counsel for the petitioner contends that the petitioner was placed under suspension vide letter dated 28.05.2024 without any show cause notice. It is submitted that as per the proviso contained in Rule 5 of Haryana Civil Services (Punishment and Appeal) Rules, 2016, the order of suspension becomes invalid if the disciplinary proceedings are not initiated within a period of 90 days of the order of suspension. He submits that no proceedings of any nature whatsoever had been initiated till expiry of 180 days. A representation was accordingly submitted by the petitioner to the Deputy Commissioner, Palwal for reinstatement followed by a legal notice dated 24.10.2024, however,

the respondent-Authorities have chosen not to take any further decision on the said representation. He contends that in November 2024, for the first time, the Deputy Commissioner, Palwal issued a show cause notice alongwith a charge-sheet to the petitioner to show cause as to why action be not taken against him. The Sub Divisional Officer (Civil), Palwal was appointed as Inquiry Officer to look into the allegations. A report dated 20.01.2025 was submitted by the Inquiry Officer to the Deputy Commissioner, Palwal, wherein it was reported that the petitioner was present in the Office in the month of May 2024, and it was not a case of 'absent from duty without leave'. He further submits that notwithstanding the aforesaid report, neither has any decision been taken by the Deputy Commissioner nor has the subsistence allowance/salary for the last 12 months been disbursed to the petitioner. He, however, contends that at this juncture, the petitioner would be satisfied in case the respondent No.4-Deputy Commissioner, Palwal is directed to take an expeditious decision in the proceedings pending against the petitioner and to release the entire subsistence allowance/salary and other dues to the petitioner in a time bound manner.

Notice of motion.

Ms. Tanisha Peshawaria, DAG, Haryana accepts notice on behalf of the respondents and submits that she has no objection to the prayer made by learned counsel for the petitioner.

Accordingly, in view of the above; with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing respondent No.4 to treat the present writ petition as a representation and to consider and decide the same by passing a reasoned and speaking order after affording an opportunity of hearing to the respective

parties within a period of two months of the receipt of certified copy of this order. The respondents are further directed to pass an appropriate order for releasing the subsistence allowance and other dues to which the petitioner would be entitled to as per law within the abovesaid period of two months. It is further directed that in case the needful is not done within the abovesaid period of two months, the petitioner shall be entitled to interest @ 6% per annum on the unpaid allowances/salary/dues.

Petition stands disposed of accordingly.

MAY 06, 2025.

Rajender

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No