

CWP-37150-2018
CWP-13692-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-37150-2018 (O&M)

Harbhal Singh

... Petitioner

Vs.

Shiromani Gurdwara Parbandhak Committee and others

... Respondents

2. CWP-13692-2021 (O&M)

Harbhal Singh

... Petitioner

Vs.

Shiromani Gurdwara Parbandhak Committee and others

... Respondents

Reserved on: 18.11.2025
Pronounced on: 17.12.2025
Uploaded on: 17.12.2025

Whether only the operative part of the judgment is pronounced ? No

Whether full judgment is pronounced ? Yes

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Vanita Sapra Kataria, Advocate
for the petitioner (in CWP-37150-2018 & CWP-13692-2021)

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Mr. D.S Patwalia, Sr. Advocate with
Mr. Tajeshwar Singh, Advocate
Dr. Puneet Kaur Sekhon, Advocate
Mr. M.S. Virk, Advocate,
Mr. Mrigank Sharma, Advocate and
Mr. Sehaj Navjeet Singh, Advocate
for the respondent(s)-SGPC (in CWP-13692-2021).

Mr. Arav Gupta, Advocate
for respondent(s)-SGPC (in CWP-37150-2018).

HARPREET SINGH BRAR, J.

1. **CWP-37150-2018** has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to implement the order of the President dated 18.02.2016 (Annexure P-4), granting the grade of Rs.4000-25375 in favour of the petitioner with effect from 01.01.2016 and to pay the arrears of difference of pay from 01.01.2016 till the date of payment along with interest. The petitioner has also filed **CWP-13692-2021** seeking issuance of a writ in the nature of *certiorari* for quashing the impugned suspension order dated 02.07.2021 (Annexure P-14) passed by respondent No.1. The petitioner further seeks a writ of *mandamus* directing the respondents to place on record the proceedings and report of the sub-committee as well as the letter dated 11.06.2021 referred to in the impugned order. It is also prayed that the respondents be restrained from getting vacated the residential accommodation allotted to the petitioner for the last eleven years, during pendency of the suspension period.

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2. Learned counsel for the petitioner, *inter alia*, contended that the petitioner was initially appointed on contract basis on 09.12.2009 and after serving for more than three years, his services were regularized by President of the Shiromani Gurdwara Parbandhak Committee (for short 'SGPC') vide order dated 18.06.2013 (Annexure P-2). It is submitted that upon regularization, the petitioner became entitled to grant of the grade of the post of Chowkidar. Consequently, his proforma was forwarded by respondent No.3 (Principal, Sri Guru Ramdas Public High School) to respondent No.1 on 31.10.2015. The competent authority i.e. President of the SGPC granted the grade of Rs.4000-25375 to the petitioner w.e.f. 01.01.2016 vide letter dated 18.02.2016 (Annexure P-4), with a direction to respondent No.3 to fix his salary accordingly.

3. Learned counsel for the petitioner argued that respondent No.3, holding a personal grudge against the petitioner, did not implement the order of the President regarding the release of aforesaid grade. It is submitted that once the competent authority has passed the orders granting the grade, the Principal has no authority to disobey the orders. Thus, aggrieved by the inaction, the petitioner filed **CWP-37150-2018**. It is alleged that respondent No.3 pressured the petitioner to withdraw the said writ petition as a condition for releasing his benefits. Under such duress, the petitioner submitted an affidavit (Annexure P-7 in CWP-13692-2021) undertaking to withdraw the case, if benefits were

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granted. However, respondent No.3, dissatisfied with the conditional nature of the affidavit, proceeded to issue warnings to the petitioner on fabricated grounds of misbehavior, as discernible from Annexures P-8 and P-11.

4. It was further contended that on 11.06.2021, the petitioner was called to the office of the Secretary, Education, SGPC and made to appear before a sub-committee. Subsequently, the impugned suspension order dated 02.07.2021 (Annexure P-14) was issued. Learned counsel argued that the suspension order is vague, cryptic and violative of Rule 3 of the Service Rules of the SGPC, which mandatorily requires that the grounds of suspension be reduced in writing and supplied to the employee. The petitioner was neither provided with the report of the sub-committee nor the complaint referred to in the suspension order. It is asserted that the power of suspension has been exercised in a *mala fide* manner to punish the petitioner for approaching this Court in the earlier writ petition. Furthermore, the petitioner apprehends that the respondents, in a vindictive move, are attempting to forcibly vacate his residential accommodation to cause him undue hardship.

5. *Per contra*, learned counsel for the respondents argued that the petitioner has not approached this Court with clean hands and has concealed the material facts. It was submitted that the petitioner is an incorrigible employee with a history of misconduct, including misbehavior with superiors, negligence in duties and insubordination. Reliance was placed on a series of

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communications (Annexure R-1 Colly. in CWP-13692-2021) detailing his dereliction of duty and misbehavior.

6. Learned counsel for the respondents further submitted that the impugned suspension order was issued in contemplation of disciplinary proceedings and is not a punishment. It was disclosed that subsequent to the suspension, a detailed charge sheet dated 19.08.2021 (Annexure R-2 in CWP-13692-2021) was served upon the petitioner, to which he has already filed a reply dated 03.09.2021 (Annexure R-3 in CWP-13692-2021). Having denied all charges against him in the reply, a sub-committee to conduct inquiry was constituted. Moreover, the petitioner has concealed the fact that consequent to the suspension order, he has already joined at Dashmesh Senior Secondary School, Kapal Mochan, Yamuna Nagar, w.e.f. 03.07.2021.

7. It was submitted that Section 4(b) of the SGPC Rules provides an alternative remedy of appeal before the Executive Committee against the orders of suspension or termination. Furthermore, it was clarified that no order directing the petitioner to vacate the premises has been issued till date, rendering the apprehension premature.

8. Learned counsel for the respondents next contended that the petitioner, who was also permitted to perform duties as an Akhandpathi in his spare time, had been performing said duties during his designated duty hours as a Chowkidar (04:00 PM to 07:00 AM), leading to financial losses to the

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school, due to thefts and pilferage. It was submitted that the grant of grade vide letter dated 18.02.2016 (Annexure P-4) was subject to the satisfaction of his thorough good conduct, which the petitioner failed to maintain. Thus, the aforesaid letter merely directs respondent No.3 to consider the grant of the grade pay based on the overall work and conduct of the petitioner.

9. In the replication filed by the petitioner, learned counsel for the petitioner rebutted the allegations of the respondents, terming the documents annexed with the written statement as fabricated. It was argued that the allegations of misconduct are stale and have been resurrected solely as a counterblast to the writ petitions filed by the petitioner.

OBSERVATION & ANALYSIS

10. I have heard learned counsel for the parties and have perused the record of the case with their able assistance. At the outset, it is observed that the petitioner has not approached this Court with clean hands. A perusal of the record reveals that the petitioner has concealed the fact that he was served with a charge sheet and there is a significant history of misconduct attributed to him. The respondents have placed on record Annexure R-1 (Colly) (in CWP-13692-2021), which contains various communications highlighting misbehaviour of the petitioner with superiors, negligence in duties and insubordination.

11. At this stage, it is necessary to advert to the order/letter dated 18.02.2016 (Annexure P-4), which is reproduced hereunder:

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*“The principal,
Sri Guru Ramdas Public High School,
Golden Temple Colony, Sultanwind Road, Sri Amritsar.*

Subject: In respect of grant of grade from fixed salary.

Madam,

*In respect of your letter No1534, dated 31.10.2015, on the basis of office reports, the Hon'ble President on the basis of authority given vide resolution no 590 dated 19.4.2012 of the Education Committee on account of Bhai Harbhal Singh Chowkidar fulfilling the conditions has ordered the grant of grade of 4000-25375 with effect from 1.1.2016. The fixations of salary of the concerned may be got done from the office and the certificate of educational qualification of the concerned employee, **concerning university/ board that documents may also be got verified and after being satisfied from all angles, further proceedings may be carry out.***

Sd

Secretary

Shiromani Gurdwara Parbandhak Committee

Sri Amritsar”

(emphasis supplied)

12. A plain reading of the aforesaid letter dated 18.02.2016 clearly indicates that any further action towards implementation of the order was to be undertaken only “*after being satisfied from all angles.*” This Court, therefore, finds merit in the submission made by learned counsel for the respondents that the said letter merely required respondent No.3 to consider the grant of grade pay in light of the petitioner’s overall work and conduct. Consequently, respondent No.3 was well within its authority to decline implementation of the

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order, if the petitioner's conduct was found to be unsatisfactory.

13. Furthermore, with regards to scope of Judicial interference with orders of suspension, a two-Judge Bench of the Hon'ble Supreme Court in ***Union of India Vs. Ashok Kumar Aggarwal, 2014 (2) SCT 70***, speaking through Justice B.S. Chauhan, has held as follows:

*“14. The scope of interference by the Court with the order of suspension has been examined by the Court in a large number of cases, particularly in State of M.P. v. Sardul Singh, (1970) 1 SCC 108; P.V. Srinivasa Sastry v. Comptroller & Auditor General of India, (1993) 1 SCC 419; Director General, ESI & Anr. v. T. Abdul Razak, AIR 1996 Supreme Court 2292; Kusheshwar Dubey v. M/s. Bharat Cooking Coal Ltd. & Ors., AIR 1988 Supreme Court 2118; Delhi Cloth General Mills v. Kushan Bhan, AIR 1960 Supreme Court 806; U.P. Rajya Krishi Utpadan Mandi Parishad & Ors. v. Sanjeev Rajan, (1993) Supp. (3) SCC 483; State of Rajasthan v. B.K. Meena & Ors., (1996) 6 SCC 417; Secretary to Govt., Prohibition and Excise Department v. L. Srinivasan, 1996(2) S.C.T. 510 : (1996) 3 SCC 157; and Allahabad Bank & Anr. v. Deepak Kumar Bhola, 1997(2) S.C.T. 643 : (1997) 4 SCC 1, wherein it has been observed that even if a criminal trial or enquiry takes a long time, it is ordinarily not open to the court to interfere in case of suspension as it is in the exclusive domain of the competent authority who can always review its order of suspension being an inherent power conferred upon them by the provisions of Article 21 of the General Clauses Act, 1897 and while exercising such a power, the authority can consider the case of an employee for revoking the suspension order, if satisfied that the criminal case pending would be concluded after an unusual delay for no fault of the employee concerned. **Where the charges are baseless, mala fide or vindictive and are framed only to keep the delinquent employee out of job, a case for judicial review is made out. But in a case where no conclusion can be arrived at without examining the entire record in question and in order***

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that the disciplinary proceedings may continue unhindered the court may not interfere. In case the court comes to the conclusion that the authority is not proceeding expeditiously as it ought to have been and it results in prolongation of sufferings for the delinquent employee, the court may issue directions. The court may, in case the authority fails to furnish proper explanation for delay in conclusion of the enquiry, direct to complete the enquiry within a stipulated period. However, mere delay in conclusion of enquiry or trial can not be a ground for quashing the suspension order, if the charges are grave in nature. But, whether the employee should or should not continue in his office during the period of enquiry is a matter to be assessed by the disciplinary authority concerned and ordinarily the court should not interfere with the orders of suspension unless they are passed in mala fide and without there being even a prima facie evidence on record connecting the employee with the misconduct in question.

Suspension is a device to keep the delinquent out of the mischief range. The purpose is to complete the proceedings unhindered. Suspension is an interim measure in aid of disciplinary proceedings so that the delinquent may not gain custody or control of papers or take any advantage of his position. More so, at this stage, it is not desirable that the court may find out as which version is true when there are claims and counter claims on factual issues. The court cannot act as if it an appellate forum de hors the powers of judicial review.

(emphasis supplied)

14. In light of the above finding, this Court is of the view that no ground has been made out to warrant interference with the petitioner's suspension order. Interference is justified only where a suspension is shown to be *mala fide* or where there is no *prima facie* material linking the employee to the alleged misconduct; circumstances that are evidently absent in the present

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case. The respondents have already issued a charge-sheet and constituted a sub-committee to conduct the inquiry. Moreover, it was specifically clarified that no order directing the petitioner to vacate the premises has been issued till date, rendering the apprehension premature.

15. In view of the foregoing discussion, both the aforementioned petitions are dismissed.

16. However, the petitioner is at liberty to avail any alternative remedy available to him, in accordance with law.

17. The pending miscellaneous applications, if any, shall also stand disposed of.

18. Photocopy of this order be placed on the file of connected case.

[HARPREET SINGH BRAR]
JUDGE

17.12.2025
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No