



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

119

CWP-37659-2025 (O&M)
Date of decision: 23.12.2025

Paramjit Singh

....Petitioner

Versus

Punjab State Power Corporation Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.P.S. Ghuman, Advocate
for the petitioner.

Mr. Bahul Bungar, Advocate
for the respondents.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the impugned suspension order dated 13.05.2025 (Annexure P-1) issued by respondent No.4 as the same is violative of Memo No.6039/7412 dated 19.05.2011 (Annexure P-4) as no explanation was sought from the petitioner before issuance of the impugned suspension order (Annexure P-1) and also on the ground that 90 days have elapsed on 13.08.2025 for the charge-sheet having not been issued and as a consequence thereof, the petitioner is deemed to have been reinstated in service after expiry of 90 days from 13.05.2025



and the petitioner be provided the consequential benefits of salary, etc. w.e.f. 13.08.2025.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was appointed as a Lower Division Clerk (LDC) on 28.07.2014 and was subsequently promoted to the post of Upper Division Clerk (UDC) on 29.06.2022, and during his service tenure, he discharged his duties diligently and vide order dated 13.05.2025 (Annexure P-1), the petitioner was placed under suspension on allegations of embezzlement amounting to Rs.45,45,191/- pertaining to the period from October, 2024 to March, 2025. Learned counsel for the petitioner further submits that the impugned suspension order was passed in a mechanical and arbitrary manner without seeking or recording any prior explanation from the petitioner, which is in clear violation of the respondent/Corporation's own binding Instructions contained in Memo No.6039/7412 dated 19.05.2011 (Annexure P-4), which mandates that an employee's explanation must be obtained before issuance of a suspension order or charge-sheet. He further contends that despite the serious nature of allegations, the respondents themselves approached the police only on 12.06.2025 (Annexure P-2), recorded the petitioner's statement on 17.06.2025 (Annexure P-3), and thereafter, an FIR No.69 dated 25.07.2025 under Sections 316(5), 318(4) of BNS, 2023 was registered at Police Station Sehna, District Barnala, which clearly indicates that there was no such urgency warranting immediate suspension of the petitioner without following the due procedure.



3. Learned counsel for the petitioner has placed reliance on the judgment rendered by this Court in **CWP-26799-2014**, titled as ***Sushil Kumar vs Punjab State Power Corporation Limited and others***, decided on **05.10.2018** (Annexure P-5), wherein a suspension order was quashed on identical facts by relying upon the same memo dated 19.05.2011 (Annexure P-4). He lastly contends that a period of more than 90 days has elapsed since the petitioner's suspension from 13.05.2025 without issuance of any charge-sheet and without payment of any subsistence allowance during the suspension period and as per the applicable service rules, the petitioner is entitled to reinstatement and accordingly, the suspension of the petitioner is illegal and unsustainable in the eyes of law.

4. *Per contra*, learned counsel for the respondents could not controvert the fact that Instructions dated 19.05.2011 (Annexure P-4) mandates that an employee's explanation must be obtained before issuance of a suspension order or charge-sheet and further a period of 90 days have elapsed since the passing of the suspension order qua the petitioner and the petitioner has not been paid any allowance during the suspension period.

5. Learned counsel for the petitioner, at this stage, submits that he would be satisfied if the instant writ petition of the petitioner is treated as a comprehensive representation and the same be decided by respondent No.1 by passing a speaking order in a time bound manner.



6. Learned counsel for the respondents submits that he has no objection, in case a direction is issued to respondent No.1 for time-bound consideration and decision thereof by passing a speaking order.
7. Therefore, in view of the limited prayer made by learned counsel for the petitioner, the respondent No.1 is directed to treat this writ petition as a comprehensive representation and consider the case of the petitioner and pass a speaking order in the light of the Instructions dated 19.05.2011 (Annexure P-4) and *Sushil Kumar's case (supra)* (Annexure P-5), after affording an opportunity of hearing to the petitioner, within a period of 03 months from the date of receiving a certified copy of this order. Further, the decision taken thereof shall be conveyed to the petitioner. Needless to say, the petitioner would be entitled to subsistence allowance during the suspension period strictly in terms of the applicable norms and the same shall be released to him within a period of 04 weeks from today.
8. Disposed of, accordingly.

(HARPREET SINGH BRAR)
JUDGE

23.12.2025
yakub

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