IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.14465 of 2026

Decided on: 3rd November, 2026

Puneet Sharma **.....Petitioner**

Versus

State of H.P. and others **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1] Yes.

For the Petitioner: Mr. Peeyush Verma, Senior Advocate with Mr. Anuj Bali, Advocate.

For the Respondents: Mr. Rajat Choudhry, Assistant Advocate General, for respondents No.1 to 3.

Jyotsna Rewal Dua, Judge

For petitioner's non-joining at the transferred station and in view of a complaint filed against him by a co-employee, respondent No.2 suspended the petitioner and also directed to initiate departmental proceedings against him. Feeling aggrieved, he has preferred this writ petition.

2. The Case:-

2(i). Petitioner was posted as Assistant Sub-Inspector, Government Railway Police (GRP), Traffic, Tourist and Railways (TTR) Wing, Shimla. On 06.03.2026, he was

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[1]**Whether reporters of print and electronic media may be allowed to see the order? Yes.**

transferred to OPGRP Kandrori. Apparently, the aforesaid transfer order was not enforced. The petitioner proceeded on medical leave w.e.f. 06.03.2026 to 27.03.2026 and joined duty on 28.03.2026.

2(ii). On 24.06.2026 (Annexure P-1), respondent No.2-the Director General of Police, Himachal Pradesh transferred the petitioner from TT&R to 4th IRBn (Jangalberi). On 30.06.2026 (Annexure P-11), petitioner, through his immediate Controlling Officer-Deputy Inspector General of Police, Traffic, Tourist & Railways, Himachal Pradesh (respondent No.3), filed a representation to respondent No.2, seeking cancellation of the transfer order dated 24.06.2026. For seeking cancellation of his transfer, petitioner highlighted his decorated service record, his tenure in the current unit being less than six months, his mother suffering from stomach carcinoma, his wife's employment and his son being a school-going child etc.

2(iii). Respondent No.3-the immediate Controlling Officer of the petitioner also sent an office letter on 01.07.2026 (Annexure P-12) to respondent No.2, recommending cancellation of petitioner's transfer ordered on 24.06.2026. While recommending cancellation of petitioner's transfer to 4th IRBn, respondent No.3 apart

from reiterating adverse family circumstances highlighted by the petitioner in his representation, also mentioned that petitioner had an unblemished record of honesty, integrity, and devotion to duty; Petitioner's tenure in the present unit was less than six months; and TTR Wing was facing acute shortage of NGO-I staff. Respondent No.3 also highlighted therein that pending consideration of the representation, compliance of the transfer order was kept awaiting. Portion relevant to the context from the recommendations made by respondent No.3 to respondent No.2 is as under:-

> *"I have also perused his Service Book and Character Roll, which reflect an unblemished record of honesty, integrity and devotion to duty. His tenure in the present unit is less than six months, and the TTR Wing is presently facing an acute shortage of NGO-I staff.*
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> *In view of the exceptional family circumstances, his impeccable service record and the administrative requirement of the TTR Wing, I recommend that the transfer order dated 24.06.2026, insofar as it relates to ASI Puneet Sharma, may kindly be cancelled on compassionate grounds. The favourable decision to cancel the transfer orders of Applicant will instill confidence/motivation in the application and prove supporting step to uplift welfare measures towards Police official, who is passing through distress on account of extreme adverse family circumstances.*
>
> *In view of above mentioned representation, concerns of applicant's mentioned therein, hence compliance of transfer order kept awaiting till decision on the instant representation. Application/representation submitted by ASI Puneet Sharma is also enclosed herewith for further course of action at your end please.*
> *Encls. A/A.*
>
> *Yours faithfully,*
> *Sd/-*
> *(Sanjeev Kumar Gandhi) IPS*
> *Deputy Inspector General of Police*
> *Traffic, Tourist & Railways, H.P. Shimla-2."*

2(iv). It appears that petitioner's representation dated 30.06.2026, seeking cancellation of his transfer order dated 24.06.2026, went un-responded and so was the fate of the recommendations made by respondent No.3 to respondent No.2 for cancelling petitioner's transfer. What came out in the process was an order issued by respondent No.2 on 20.07.2026 (Annexure P-2), suspending the petitioner on two counts, i.e. (i) Petitioner had not joined duty at his new place of posting under order dated 24.06.2026; and (ii) A complaint had been submitted by Ct. Driver Pankaj No.62 in GRPS Shimla against the petitioner regarding harassment and mental torture. The gist of the complaint, as culled out in the suspension order (as translated in the writ petition), is as under:-

> *"I respectfully submit that my wife, Ambika Sharma, is currently in her month of pregnancy and requires your presence and support during this crucial and sensitive period, 1 personally informed ASI Puneet about my wife's condition and requested that my family circumstances be taken into consideration, as she is undergoing treatment at Kamala Nehru Hospital, Shimla. Despite being fully aware of my actual family circumstances, I have allegedly been continuously harassed and a temporary transfer order has been issued against me to GRPS, Kangra. I strongly suspect that I am being targeted because I received a Commendation Certificate (Class-1) from the Director General of Police, Himachal Pradesh. Following the incident, certain comments were allegedly made about me in my absence, including allegations that I am an informant of the Director General of Police, Himachal Pradesh. I am facing mental harassment due to such*

comments and ASI Puneet also pressurized me to wash the personal car of the suspended officer, to which the applicant refused and a harassing environment is being created against me on this issue."

On the aforesaid two counts, the petitioner was suspended on 20.07.2026 with immediate effect. His headquarter was fixed at his new place of posting, i.e. 4th IRBn, Jangalberi. The Commandant, 4th IRBn, Jangalberi was directed to initiate regular departmental inquiry against the petitioner.

2(v). Now was the turn of respondent No.3-the immediate Controlling Officer of the petitioner, who on 01.07.2026, had recommended for cancelling petitioner's transfer to 4th IRBn, Jangalberi and had kept petitioner's transfer order in abeyance, to address the issue of petitioner's suspension. Respondent No.3 addressed a detailed office letter on 23.07.2026 (Annexure P-14) to respondent No.2. The said office letter termed as 'Report regarding suspension, premature transfer and initiation of departmental proceedings' against the petitioner, *inter alia*, records:

(A). Concerning complaint lodged against the petitioner by Ct. Driver Pankaj:-

- The allegations of Ct. Driver Pankaj leveled against the petitioner were absolutely misplaced. Petitioner

had no role in the temporary deployment of Ct. Driver Pankaj. Deployment of Ct. Driver Pankaj was made on administrative grounds by the office of respondent No.3 in view of operational requirements. Details of such operational requirements were also mentioned in the aforesaid office letter/report dated 23.07.2026. The report highlighted that Ct. Driver Pankaj was the only available Driver for temporary deployment to GRPS Kangra; He had hardly been deputed for outstation duties in the last six months; That he had been extended considerable administrative flexibility to attend his family responsibilities for several months. Several other administrative reasons were given in the report concerning deployment of Ct. Driver Pankaj by the office of respondent No.3, repeatedly putting forth that petitioner had no role whatsoever in such action; That it was the office of respondent No.3, which had exercised independent discretion in the matter; Respondent No.3 impressed upon having an objective assessment in the larger administrative context before taking any drastic action upon the complaint made by Ct. Driver Pankaj.

(B). With respect to petitioner's transfer to 4th IRBn/ his non-joining at the transferred station:-

- Respondent No.3 in the aforesaid report dated 23.07.2026 again detailed the reasons, requesting for cancellation of petitioner's transfer to 4th IRBn. Respondent No.3 for all practical reasons, owned up the responsibility for not relieving the petitioner from his current place of posting. That under the applicable Police Rules and procedure, issuance of a Command Certificate by the Head of Office is a pre-requisite before the officer is relieved pursuant to a transfer order. Since petitioner's representation was pending before the competent authority and respondent No.3 had also recommended to respondent No.2 for cancelling petitioner's transfer, the Command Certificate had not been issued by respondent No.3, awaiting decision of petitioner's representation and also awaiting action upon the recommendations made by respondent No.3.

- Respondent No.3 gave elaborate reasons for his having made the recommendations for cancelling petitioner's transfer to 4th IRBn, Jangalberi. Respondent No.3 also expressed his anguish that being the supervisory authority, having direct administrative control and first-

hand knowledge of work, conduct & performance of the petitioner, his views were also required to be considered and the matter was required to be examined objectively after affording due opportunity to all concerned.

2(vi). On 27.07.2026, petitioner represented to the Chief Secretary to the Government of Himachal Pradesh against 'arbitrary premature transfer, retaliatory suspension and initiation of departmental proceedings'. On 31.07.2026 (Annexure P-3), respondent No.2 addressed a letter to respondent No.3, with copy endorsed to the petitioner, to the effect that petitioner had not even represented against his suspension, transfer or the proposed departmental proceedings; The departmental remedies wherever available were not invoked by the petitioner before approaching the competent authority. Respondent No.2 further conveyed to respondent No.3 that suspension, transfer and initiation of departmental proceedings are distinct administrative and disciplinary matters governed by separate legal principles and service rules; Suspension is ordinarily an interim measure and not a punishment; Transfer is an incidence of service to be examined with reference to administrative exigencies and competent authority's jurisdiction; and initiation of

departmental proceedings depends upon the existence of *prima facie* material disclosing misconduct. Respondent No.2 further informed respondent No.3 that his report did not clearly specify the order sought to be reviewed, the authority that passed it, the legal grounds of challenge or the precise intervention expected from the Police Headquarters in respect of any of these matters. This was in essence first ever response that came from respondent No.2, which in a roundabout manner, declined to accept petitioner's plea and the recommendation made by respondent No.3.

2(vii). Respondent No.3 addressed an another report on 10.08.2026 (Annexure P-19) regarding the above office letter issued by respondent No.2, to the Additional Chief Secretary (Home) to the Government of Himachal Pradesh. On 11.08.2026 (Annexure P-20), petitioner preferred a representation to respondent No.2, seeking review/ reconsideration of the order initiating departmental proceedings and rejecting his representation against transfer to 4th IRBn.

2(viii). While under suspension, on 19.08.2026 (Annexure P-5), petitioner was relieved from duty with direction to report at 4th IRBn Jangalberi. Vide a separate

order passed on the same day, i.e. on 19.08.2026, the earned leave sanctioned in favour of the petitioner, was cancelled with immediate effect.

The above led the petitioner to institute this writ petition on 20.08.2026.

3. Following order was passed in the matter on 21.08.2026:-

> *"After hearing learned Senior Counsel for the petitioner for some time, this Court is of the considered view that in light of the issues flagged by learned Senior Counsel qua the ill health of mother of the petitioner as also the petitioner, at this stage, the Court directs the petitioner to approach the Director General of Police seeking his adjustment etc./cancellation of transfer by filing an appropriate representation within three days. The petitioner shall be at liberty to file the representation directly before the concerned Authority. As from the date of receipt of the representation, Director General of Police is requested to decide the same within a period of one week after hearing to the petitioner. This Court hopes and expects that the Authority concerned shall sympathetically pass appropriate orders on the representation of the petitioner in case he indeed is facing the difficulties which have been so enunciated in the petition. In the meantime, no coercive action be taken against the petitioner.*
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> *As prayed for, list on 07.09.2026."*

Pursuant to the directions issued in the aforesaid order, respondent No.2 vide order dated 29.08.2026 (Annexure P-22), rejected petitioner's representation. Thereafter, the writ petition was permitted to be amended for assailing the order dated 29.08.2026 as

well. The substantive reliefs prayed for by the petitioner are as under:-

> *"i) the impugned Transfer Order dated 24.06.2026 passed by respondent No.2 whereby the petitioner has been transferred from TT&R Shimla to 4th IRBn Jangleberi, and permit the petitioner to complete his normal tenure at the present place of posting;*
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> *ii) the Suspension Order dated 20.07.2026 passed by respondent No.2 placing the petitioner under suspension and initiating departmental proceedings against him;*
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> *iii) the communication dated 31.07.2026 whereby the representation/recommendations in favour of the Petitioner were rejected and intervention was declined;*
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> *iv) the order dated 19.08.2026 whereby the earned leave sanctioned in favour of the petitioner in advance on 10.08.2026 was cancelled;*
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> *v) the relieving order dated 19.08.2026 whereby the petitioner was relieved from his duties and directed to report at the transferred station;*
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> *vi) the subsequent order dated 29.08.2026 passed by respondent No.2/Director General of Police, Himachal Pradesh, whereby the representation dated 21.08.2026 submitted by the petitioner pursuant to the order dated 21.08.2026 passed by this Hon'ble Court was rejected and the transfer of the petitioner from TT&R Wing, Shimla to 4th IRBn Jangleberi, District Hamirpur, was upheld and;*
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> *vii) direct the respondents to permit the petitioner to continue at his existing place of posting at TT&R Shimla and to restore all consequential service benefits."*

During the course of today's hearing, learned Assistant Advocate General placed on record an office order dated 15.10.2026 issued by the Commandant, 4th IRBn, Jangalberi, in terms of which, a regular departmental inquiry has been ordered against the petitioner and an

Officer has been appointed for conducting the departmental inquiry. The said order also directs the Inquiry Officer to submit his report within three months.

4. **Heard** and considered the case file. In order to maintain brevity, the submissions made by learned counsel for the parties and the discussion thereupon has been elaborated hereinafter.

4(i). The respondents in their reply have given the following incumbency position of the petitioner:-

"(A) Date of appointment:- 01.07.2008
(B) Place(s) of posting:-

Sr. No.	*Unit/Place of Posting*	*Period*
1.	*1st Bn Junga*	*01.07.2008 to 09.08.2023*
2.	*Distt. Shimla*	*10.08.2023 to 02.03.2026*
3.	*TTR*	*03.03.2026 to 24.06.2026*
4.	*Under transfer to 4th IRBn*	*24.06.2026 to date"*

According to the respondents, the petitioner had practically remained posted throughout his service career in and around Shimla. He was transferred on 24.06.2026 to 4th IRBn, Jangalberi. Petitioner disobeyed this transfer order. Additionally, one Ct. Driver Pankaj leveled allegations against the petitioner of having exercised influence in deployment of the aforesaid Driver at GRPS, Kangra and the allegations of mental harassment caused to Ct. Driver Pankaj owing to certain comments attributed to the

petitioner. Therefore, the petitioner was suspended on 20.07.2026.

4(ii). It is well settled that ordinarily, it is not for 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 it by the applicable Rules/ Regulations. It is, however, also a principle of law that power of suspension should not be exercised in an arbitrary manner and without any reasonable ground or as vindictive misuse of power. Suspension should be ordered only where a strong *prima facie* case is there against the delinquent employee involving moral turpitude, grave misconduct or indiscipline or refusal to carry out the orders of superior authority, which if proved, would ordinarily result in reduction in rank, removal or dismissal from service. The authority should take into account all the available material as to whether in a given case, it is advisable to allow the delinquent to continue to perform his duties of the office or his retention in the office is likely to hamper or frustrate the inquiry. 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 the aid of disciplinary proceedings, so that the delinquent may not gain custody or control of papers or take any advantage of the position. In this regard, it will be appropriate to refer to ***Union of India and another Versus Ashok Kumar Aggarwal***[2], relevant paras of which read as under:-

> *"21. The power of suspension should not be exercised in an arbitrary manner and without any reasonable ground or as vindictive misuse of power. Suspension should be made only in a case where there is a strong prima facie case against the delinquent employee and the allegations involving moral turpitude, grave misconduct or indiscipline or refusal to carry out the orders of superior authority are there, or there is a strong prima facie case against him, if proved, would ordinarily result in reduction in rank, removal or dismissal from service. The authority should also take into account all the available material as to whether in a given case, it is advisable to allow the delinquent to continue to perform his duties in the office or his retention in office is likely to hamper or frustrate the inquiry.*
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> *22. In view of the above, the law on the issue can be summarised to the effect that suspension order can be passed by the competent authority considering the gravity of the alleged misconduct i.e. serious act of omission or commission and the nature of evidence available. It cannot be actuated by mala fide, arbitrariness, or for ulterior purpose. Effect on public interest due to the employee's continuation in office is also a relevant and determining factor. The facts of each case have to be taken into consideration as no formula of universal application can be laid down in this regard. However, suspension order should be passed only where there is a strong prima facie case against the delinquent, and if the charges stand proved, would ordinarily warrant imposition of major punishment i.e.*

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[2] (2013) 16 SCC 147

removal or dismissal from service, or reduction in rank, etc.

26. *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. Shardul Singh[3], P.V. Srinivasa Sastry v. Comptroller & Auditor General[4], ESI v. T. Abdul Razak[5], Kusheshwar Dubey v. Bharat Coking Coal Ltd.[6], Delhi Cloth & General Mills Ltd. v. Kushal Bhan[7], U.P. Rajya Krishi Utpadan Mandi Parishad v. Sanjiv Rajan[8], State of Rajasthan v. B.K. Meena[9], Prohibition and Excise Deptt. v. L. Srinivasan[10] and Allahabad Bank v. Deepak Kumar Bhola[11], 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 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*

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[3] (1970) 1 SCC 108
[4] (1993) 1 SCC 419
[5] (1996) 4 SCC 708
[6] (1988) 4 SCC 319
[7] AIR 1960 SC 806
[8] 1993 Supp (3) SCC 483
[9] (1996) 6 SCC 417
[10] (1996) 3 SCC 157
[11] (1997) 4 SCC 1

enquiry or trial cannot 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.

27. 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 the aid of disciplinary proceedings so that the e 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 to which version is true when there are claims and counterclaims on factual issues. The court cannot act as if it is an appellate forum de hors the powers of judicial review."

State of Orissa Versus Bimal Kumar Mohanty[12] holds that order of suspension should be passed after taking into consideration the gravity of the misconduct sought to be inquired into or investigated and the nature of the evidence placed before the appointing authority and on application of mind by the disciplinary authority. It should not be as an administrative routine or an automatic order to suspend an employee, but the appointing/disciplinary authority should consider the relevant factors and decide whether it is expedient to keep an employee under suspension pending inquiry/

[12] (1994) 4 SCC 126

contemplated inquiry. Suspension is not a punishment, but it only forbids or disables an employee to discharge the duties of the office or post held by him, in order to restrain him to avail further opportunity to perpetrate the alleged misconduct or remove the impression amongst members of service that dereliction of duty would pay fruits and the offending employee could get away even pending inquiry without any impediment. Relevant portion from the decision is as under:-

> *"13. It is thus settled law that normally when an appointing authority or the disciplinary authority seeks to suspend an employee, pending inquiry or contemplated inquiry or pending investigation into grave charges of misconduct or defalcation of funds or serious acts of omission and commission, the order of suspension would be passed after taking into consideration the gravity of the misconduct sought to be inquired into or investigated and the nature of the evidence placed before the appointing authority and on application of the mind by disciplinary authority. Appointing authority or disciplinary authority should consider the above aspects and decide whether it is expedient to keep an employee under suspension pending aforesaid action. It would not be as an administrative routine or an automatic order to suspend an employee. It should be on consideration of the gravity of the alleged misconduct or the nature of the allegations imputed to the delinquent employee. The Court or the Tribunal must consider each case on its own facts and no general law could be laid down in that behalf. Suspension is not a punishment but is only one of forbidding or disabling an employee to discharge the duties of office or post held by him. In other words it is to refrain him to avail further opportunity to perpetrate the alleged misconduct or to remove the impression among the members of service that dereliction of duty would pay fruits and the offending employee could get away even pending*

> *inquiry without any impediment or to prevent an opportunity to the delinquent officer to scuttle the inquiry or investigation or to win over the witnesses or the delinquent having had the opportunity in office to impede the progress of the investigation or inquiry etc. But as stated earlier, each case must be considered depending on the nature of the allegations, gravity of the situation and the indelible impact it creates on the service for the continuance of the delinquent employee in service pending inquiry or contemplated inquiry or investigation. It would be another thing if the action is actuated by mala fides, arbitrary or for ulterior purpose. The suspension must be a step in aid to the ultimate result of the investigation or inquiry. The authority also should keep in mind public interest of the impact of the delinquent's continuance in office while facing departmental inquiry or trial of a criminal charge."*

4(iii). In the background of above legal position, coming to the facts of this case, petitioner was transferred to 4th IRBn, Jangalberi on 24.06.2026. Admittedly, he did not join at the transferred station. He preferred a representation on 30.06.2026 to respondent No.2, through proper channel, seeking cancellation of his transfer, citing certain reasons, which according to him, called for cancellation of his transfer. Respondent No.3-the immediate Controlling Officer of the petitioner, while recommending cancellation of petitioner's transfer in his office letter dated 01.07.2026, has practically owned up the responsibility for not relieving the petitioner from GRP, TTR Wing, Shimla. Petitioner's non-joining at the station, where he was transferred under order dated 24.06.2026, therefore, is not

solely attributable to him. Petitioner though was not interested to join at 4th IRBn in view of the grievances highlighted by him in his representation, but his immediate Controlling Officer-respondent No.3 also supported petitioner's representation and kept the relieving of the petitioner/implementation of the transfer order dated 24.06.2026 on hold, awaiting decision of respondent No.2 upon petitioner's representation/action upon respondent No.3's recommendation.

In the given facts and circumstances, petitioner's suspension on 20.07.2026 by respondent No.2, *inter alia*, on the ground that petitioner had not complied with the transfer order dated 24.06.2026, cannot be said to be justifiable. The said suspension order does not even satisfy the parameters laid down in the aforesaid decisions for testing the justifiability of the suspension order. It has not been demonstrated as to in what manner petitioner's continuation in service would have caused prejudice to the respondents or required the petitioner to be placed under suspension. It was not the case where petitioner had not obeyed the orders passed by respondent No.2, rather, respondent No.3 had himself owned up the responsibility for not issuing the necessary and consequential orders for

petitioner's joining at 4th IRBn, having recommended cancellation of his transfer to respondent No.2. It is though another issue (irrelevant to present controversy) that according to respondent No.2, no further order was required for relieving the petitioner.

4(iv). Insofar as the second ground taken in the impugned order for suspending the petitioner is concerned, the same also cannot be sustained. Just because respondent No.2 received a complaint from one employee (Ct. Driver Pankaj) against the petitioner, of latter allegedly having influenced in former's getting deployed at another place, is no ground to straightaway order for petitioner's suspension. This ground, even otherwise, has been falsified in view of the stand taken by respondent No.3 in his office letters addressed to respondent No.2. Respondent No.3 has owned up the responsibility for deputing Ct. Driver Pankaj to the place, where he was sent and assigned the reasons for such deployment. Respondent No.3 has clearly held out that he had independently exercised his discretion in ordering deployment of Ct. Driver Pankaj without any external influence whatsoever.

No clear decision on petitioner's representation dated 30.06.2026, seeking cancellation of his transfer, has

been placed on record (save & except the order passed on 29.08.2026 pursuant to the directions of the Court). Respondent No.3 had informed respondent No.2 on 01.07.2026 of his having kept petitioner's relieving at TTR Wing on hold awaiting decision of petitioner's representation and action upon respondent No.3's recommendation.

4(v). Respondent No.2 had ordered suspension of the petitioner on 20.07.2026, whereas it was only on 31.07.2026 that he had given his mind in a roundabout manner for not accepting respondent No.3's recommendations for cancelling petitioner's transfer. Petitioner's suspension is continuing as on date. Admittedly, no charge-sheet has been issued to the petitioner till date, though more than three months have passed. During hearing of the case, learned Assistant Advocate General placed on record copy of order dated 15.10.2026, whereunder, an Inquiry Officer has been appointed. But it defies logic as to how in the absence of any charge-sheet having been issued to the petitioner and in the absence of petitioner having been given an opportunity to file his reply to the charge-sheet, the respondents have proceeded ahead and appointed an

Inquiry Officer. Such procedure cannot be said to be in consonance with the principles of natural justice and settled service jurisprudence. In the given facts and circumstances, it has to be held that suspension of the petitioner ordered on 20.07.2026 was absolutely uncalled for.

5. In view of above, this writ petition is allowed to the extent that suspension of the petitioner ordered on 20.07.2026 (Annexure P-2) is quashed and set aside. Respondents are directed to permit the petitioner to join his duties forthwith at the transferred station in terms of order dated 24.06.2026 (Annexure P-1). Liberty is, however, reserved to the petitioner to seek appropriate remedy for the redressal of his surviving grievances in accordance with law at an appropriate stage, in case necessity so arises. Pending miscellaneous application(s), if any, also stand disposed of.

Jyotsna Rewal Dua
Judge

November 03, 2026
Mukesh