



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

CWP-7322-2026

Date of decision: 11.03.2026

Bijender Kumar

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.K. Choudhary, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Additional A.G., Haryana
for respondent No.1-State.

Mr. Piyush Khanna, Advocate
for respondents No.2 & 3.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the action of the respondents, whereby, the service of the petitioner is still under suspension from 15.02.2021. Further, for issuance of a writ in the nature of *mandamus* directing the respondents to revoke the suspension of the petitioner forthwith and allow him to resume duties and also to conclude the departmental enquiry within a time bound period as well as grant all consequential benefits including arrears of pay as per rules.

2. Learned counsel for the petitioner *inter alia* contends that a charge sheet was issued to the petitioner on 23.08.2021 under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016 as discernible from Annexure P-4. Further, more than 42 months have passed and a departmental



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inquiry has not been concluded till date in complete violation of the directions issued by this Court in CWP No.9606 of 2022 titled as ***Khairati Lal Vs. State of Haryana and others*** decided on 13.10.2025 (Annexure P-6). The State of Haryana has issued instructions dated 02.12.2025 in compliance of the directions issued by this Court in ***Khairati Lal's case (supra)***. Further, the suspension of the petitioner for over four years without concluding the inquiry is arbitrary, punitive and violative of Articles 14 and 21 of the Constitution of India. Reference in this regard can be made on the judgments rendered by the Hon'ble Supreme Court in ***Ajay Kumar Choudhary Vs. Union of India through its Secretary and another 2015(7) SCC 291*** (Annexure P-8) and ***State of Tamil Nadu Rep. By Secretary to Govt. (Home) Vs. Promod Kumar IPS and another 2018 (17) SCC 677*** (Annexure P-9).

3. Mr. Vikrant Pamboo, Additional A.G., Haryana for respondent No.1-State and Mr. Piyush Khanna, Advocate for respondents No.2 & 3, are not in a position to controvert the fact that the petitioner was served with a charge sheet on 23.08.2021 (Annexure P-5) and that more than 42 months have elapsed, yet the inquiry has not been concluded till date. Further, the petitioner has been kept under suspension for an indefinite period in violation of the law laid down by the Hon'ble Supreme Court in ***Ajay Kumar Choudhary's case (supra)*** and ***Promod Kumar's (supra)***.

4. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

5. This Court in ***Khairati Lal's case (supra)*** has observed the following:-



“9.3. Further, a two-Judge bench of the Hon'ble Supreme court in ***State of Punjab vs. Chaman Lal Goyal 1995(2) SCC 570***, speaking through Justice B.P Jeevan Reddy, opined as follows:

"10. Now remains the question of delay. There is undoubtedly a delay of five and a half years in serving the charges. The question is whether the said delay warranted the quashing of charges in this case. **It is trite to say that such disciplinary proceeding must be conducted soon after the irregularities are committed or soon after discovering the irregularities. They cannot be initiated after lapse of considerable time. It would not be fair to the delinquent officer. Such delay also makes the task of proving the charges difficult and is thus not also in the interest of administration. Delayed initiation of proceedings is bound to give room for allegations of bias, mala fides and misuse of power. If the delay is too long and is unexplained, the court may well interfere and quash the charges.** But how long a delay is too long always depends upon the facts of the given case. Moreover, **if such delay is likely to cause prejudice to the delinquent officer in defending himself, the enquiry has to be interdicted.** Wherever such a plea is raised, the court has to weigh the factors appearing for and against the said plea and take a decision on the totality of circumstances. In other words, the court has to indulge in a process of balancing. Now, let us see what are the factors in favour of the respondent.

(emphasis added)

9.4. Reliance can also be placed on the judgment rendered by a two- Judge bench of the Hon'ble Supreme Court in ***Prem Nath Bali vs. Registrar, High Court of Delhi and another in Civil Appeal No. 958 of 2010*** decided on 16.12.2015, wherein, speaking through Justice Abhay Manohar Sapre, held as follows:

"31) Time and again, this Court has emphasized that it is the duty of the employer to ensure that the departmental inquiry initiated against the delinquent employee is concluded within the shortest possible time by taking priority measures. In cases where the delinquent is placed under suspension during the pendency of such inquiry then it becomes all the more imperative for the employer to ensure that the inquiry is concluded in the shortest possible time to avoid any inconvenience, loss and prejudice to the rights of the delinquent employee.

32) As a matter of experience, we often notice that after completion of the inquiry, the issue involved therein does not come to an end because if the findings of the inquiry proceedings have gone against the delinquent employee, he invariably pursues the issue in Court to ventilate his grievance, which again consumes time for its final conclusion.

33) Keeping these factors in mind, we are of the considered opinion that **every employer (whether State or private) must make sincere endeavor to conclude the departmental inquiry proceedings once**



initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within reasonably extended period depending upon the cause and the nature of inquiry but not more than a year."

(emphasis added)

10. Noting the harassment caused by delayed disciplinary proceedings, the States of Punjab and Haryana have issued various instructions, respectively, providing a timeline for completion of every step of the process. This Court is constrained to observe that in spite of the same, no change in approach has been discernible. Every employee facing disciplinary action has a legitimate right to have the proceedings concluded expeditiously. Undue prolongation of proceedings often causes mental agony, financial hardship, and social stigma, even before the charges are proven, which is a punishment in itself. Further, oftentimes, the accused- employee is placed under protracted suspension while the disciplinary proceedings continue at snail's pace. The provision for suspension in the applicable Rules cannot be understood to mean that the employee can be suspended indefinitely. If the allegations are such that the concerned department feels the need to continue an employee's suspension, such action ought to be made with due care and after providing reasons for the same. When delay is inordinate and remains unexplained by the department concerned, it would be reasonable to presume prejudice against the accused- employee. Moreover, with the efflux of time, the employee may suffer loss of evidence on account of non-availability of witnesses and fading memory, materially altering his ability to effectively defend himself. Since unjustified prolonged delay unfairly tilts the balance in favor of the accusing authority, delay alone is a considerable ground to suffocate the proceedings.

11. Crucially, the employer must conduct such proceedings diligently and without any unnecessary delay. Protracted enquiries breed inefficiency, demoralization, and distrust in the system thereby defeating the very purpose of disciplinary mechanism established to ensure that principles of efficiency, integrity and accountability are upheld. A lack of seriousness in pursuing charges reflects poorly on the administration and may indicate malice or oblique motives. Thus, this Court cannot allow the employer to keep the sword of disciplinary action dangling over an employee indefinitely.



12. Any procedure which does not ensure the culmination of disciplinary proceedings within a reasonable dispatch, would fall foul of Article 21 of the Constitution of India. Timely determination of guilt or innocence of the accused employee is an integral and essential part of fundamental right to life and liberty enshrined in Article 21 of the Constitution of India. This Court witnesses multiple cases on a daily basis where the employees are aggrieved by whimsical timelines adopted by relevant authorities to conclude disciplinary proceedings initiated against them. In the present case itself, there was a delay of over a decade. As such, with an intention to safeguard the constitutional guarantees provided under Articles 14 and 21 of the Constitution of India, the following directions are issued:

(i) The charge-sheet must be issued within a reasonable period.

(ii) The inquiry must be concluded within 6 months of issuance of the charge-sheet.

(iii) The Punishing Authority shall decide the matter within 3 months of receipt of the inquiry report.

(iv) The Appellate Authority shall dispose of the appeal preferred against decision of the Punishing Authority within 3 months of filing of such an appeal.

(v) Thus, the entire process of disciplinary action must conclude within 01 year at the most. Any unexplained or inordinate delay beyond this period shall vitiate the proceedings and invite an adverse inference against the disciplinary authority.

(vi) The Administrative Secretaries of the concerned departments as well as heads of relevant Boards and Corporations are also directed to conduct a quarterly review in order to ensure that the prescribed timeline is scrupulously followed and no disciplinary action is unjustly delayed.”

5. Further, the Hon’ble Apex Court in ***Ajay Kumar Choudhary’s case (supra)*** has laid down the ratio that suspension preceding the formulation of charges is essentially transitory and temporary in nature and must, perforce, be for a short duration. An indefinite suspension would render it punitive in



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nature. It has been held that the currency of a suspension order should not extend beyond three months and if within this period the memorandum of charges/charge sheet is not served on the delinquent officer/employee, any extension of the suspension must be based upon a reasoned order. Similarly, in ***Promod Kumar's case (supra)***, the Hon'ble Apex Court reiterated the principle articulated in ***Ajay Kumar Choudhary's case (supra)*** and held that continuous suspension of a delinquent employee for a prolonged period is not justified.

6. In view of the above, the present civil writ petition is disposed of with a direction to respondent No.2 to reinstate the petitioner within a period of two weeks from the date of receipt of certified copy of this order. Further, the Appellate Authority is directed to decide the disciplinary proceedings strictly in terms of the instructions issued by the Government of Haryana on 02.12.2025 (Annexure P-7), within a period of three months from the date of receipt of certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

11.03.2026

Neha

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