



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

116

CWP-7219-2026 (O&M)
Date of decision: 17.03.2026

Gaurav Monga

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Aulakh, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. Dhruv Gupta, Advocate
for respondent No.2.

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 bearing No. PMB/25/Vajal/108086/3/001241 dated 30.10.2025 (Annexure P-2) issued by the Punjab Mandi Board, Mohali, and consequential letter No. PMB/23/MCARN/37866/2/000106-107 dated 03.11.2025 (Annexure P-1). Further a writ of *mandamus* has been sought, directing the respondents to reinstate the petitioner in service with all consequential benefits. Further prayer has been made to direct the respondents to release 75% of the salary to the petitioner instead of 50% and also to shift the head office at District Fazilka from Mohali.



2. On 11.03.2026, the following order was passed:-

XX XX XX XX

2. *Learned counsel for the petitioner, inter alia, contends that the petitioner is serving as Mandi Supervisor under the Punjab Mandi Board and was posted at Market Committee Arniwala, District Fazilka. The petitioner has maintained an unblemished service record while performing his official duties during the Rabi Season 2025. However, the Punjab Mandi Board, vide order dated 30.10.2025 (Annexure P-1), arbitrarily placed the petitioner under suspension on the allegation of negligence and dereliction of duty during the said season. The said order was, thereafter, communicated to the petitioner vide letter dated 03.11.2025 (Annexure P-2) issued by the District Mandi Officer-cum-Chairman. He further submits that the action of the respondents is vitiated by mala fide intention inasmuch as the petitioner had earlier lodged an FIR dated 27.04.2025 against Kuldeep Singh, Chairman, Market Committee, Arniwala (Annexure P-3) and subsequently, at his behest, the petitioner has been victimized.*

3. *Learned counsel for the petitioner relies upon Rule 4(5)(b) of Punjab Civil Services (Punishment and Appeal) Rules, 1970 and submits that suspension cannot continue after service of memorandum of charges/charge-sheet. A great prejudice is being caused to the petitioner as till date neither any show cause notice has been issued nor any charge-sheet has been served upon him. As such, the continuous suspension for indefinite period is against the mandate of the applicable Rules.*

4. *Per contra, learned State counsel relies upon the judgment rendered by this Court in **Ashish Kapoor vs***



State of Punjab and another, 2025 NCPHHC 48985, wherein this Court after perusing the applicable Rules has categorically held that the order of suspension made by the competent authority continued to remain in force until it is modified or revoked by the competent authority.

5. *Rule 4 of Punjab Civil Services (Punishment and Appeal) Rules, 1970, provides as follows:-*

“4. Suspension- (1) The appointing authority or any other authority to which it is subordinate or the punishing authority or any other authority empowered in that behalf by the Governor by general or special order may place a government employee under suspension-

(a) where a disciplinary proceeding against him is contemplated or is pending; or

(b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial; provided where the order of suspension is made by an authority lower than appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

(2) A Government employee shall be deemed to have been placed under suspension by an order of appointing authority-

(a) with effect from the date of his detention, if he is detained in custody whether on a criminal charge or otherwise for a period exceeding forty - eight hours;

(b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation:- The period of forty - eight hours referred to in clause (b) of this sub rule shall be computed from the



commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government employee under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the punishing authority on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal removal or compulsory retirement was originally imposed, the Government employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where a government employee is suspended or is deemed to have been suspended. Whether in connection with any disciplinary proceeding or otherwise, and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government employee shall continue to be



under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order by any authority to which that authority is subordinate.”

(Emphasis Supplied)

6. *Learned State counsel is not in a position to controvert the fact that the petitioner remain suspended and a period of more than 03 months has already been passed from the date of passing the suspension order and till date, neither any show cause notice has been issued nor any charge-sheet has been served upon the petitioner.*

7. *In view of the above, this Court is prima facie satisfied with the arguments raised by learned counsel for the petitioner. The continuous suspension of the petitioner without contemplating the disciplinary proceedings is contrary to the mandate of Rule 4 ibid and the judgment rendered by the Hon’ble Supreme Court in **Ajay Kumar Choudhary vs Union of India through its Secretary and another, (2015) 7 SCC 291.***

8. *At this stage, learned State counsel seeks a short accommodation to have complete instructions in the matter.*

9. *Adjourned to 17.03.2026.*

3. Learned counsel for respondent No.2/Board submits that reliance of the petitioner on Rule 4 ibid is totally misplaced. The petitioner was served a charge-sheet on 12.11.2025 and the Enquiry Officer has also been appointed on 27.01.2026 and the disciplinary proceedings initiated against the petitioner are likely to be concluded.

As such, the competent authority, upon completion of the disciplinary



proceedings, shall take an appropriate decision in accordance with Rule 4(1) of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, either by extending the suspension if justified or by reinstating the petitioner if the necessity for continued suspension no longer exists.

4. In view of the above, the present petition is disposed of with a direction to the respondent/competent authority to examine the petitioner’s case afresh in accordance with the provisions of Rule 4 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, and in light of the judgment rendered by the Coordinate Bench of this Court in *Ashish Kapoor’s case (supra)*. Such examination and issuance of appropriate orders, whether for extension of suspension or reinstatement of petitioner, shall be completed within a period of two weeks from the date of receipt of certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

17.03.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No