



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

263

CWP-8674-2026

Date of Decision: **20.04.2026**

Rajesh Kumar

.....Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Harsh Chopra, Advocate (through V.C) & & Mr. Gurjeet Singh, Advocate for the petitioner.

Mr. Amit Shukla, DAG Punjab.

Mr. M.S. Virk, Advocate for respondent No.4.

HARPREET SINGH BRAR, J. (Oral)

1. The present civil writ petition has been filed under Article 226 read with Article 227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the resolution No.220 dated 07.04.2025 passed by Municipal Council, Kurali/respondent No.4 (Annexure P-13). Further, for issuance of a writ in the nature of mandamus directing the respondents to reinstate the petitioner in the service.

2. Learned counsel for the petitioner reiterates that the petitioner was suspended while serving as a Junior Assistant on account on registration of FIR No.11 dated 03.03.2023 under the Prevention of Corruption Act



registered at Police Station Vigilance Bureau, Mohali as discernible from the suspension order dated 06.03.2023 (Annexure P-1). The petitioner was released on regular bail on 10.04.2023 (Annexure P-2). The petitioner's continuous suspension without initiating any departmental inquiry is contrary to the Scheme of Rule 4 (5) (b) of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 and a great prejudice has been 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 applicable Rules and also contrary to the law laid down by the Hon'ble Apex Court in *Ajay Kumar Choudhary Vs. Union of India through its Secretary and another, (2015) 7 SCC 291*.

3. At this stage, learned State counsel, on instructions from the competent authority, submits that the grievance raised by the petitioner no longer survives, inasmuch as the petitioner has since been reinstated in service, albeit subject to the outcome of the departmental proceedings, which are stated to be underway. It is, thus, contended that the present writ petition has been rendered infructuous.

4. In response, learned counsel for the petitioner submits that, in view of the subsequent development, the petitioner is satisfied with the stand taken by the respondents and does not wish to press the present writ petition on merits.



5. In view of the statements made by learned counsel for the parties, the present writ petition is disposed of as having been rendered infructuous, with a direction to the respondents/competent authority to conclude the pending departmental proceedings expeditiously, strictly in accordance with law, and preferably within a period of four months from the date of receipt of a certified copy of this order.

6. It is, however, clarified that the petitioner shall be entitled to subsistence allowance for the period of suspension, which shall be regulated in accordance with the applicable Rules. The subsistence allowance accruing from the date of this order shall be paid regularly in accordance with law. However, the arrears of subsistence allowance for the past period of suspension shall be computed and released within a period of six weeks from the date of passing the order by this Court.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

20.04.2026

Puneet Chawla

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No