

2026:PHHC:015814



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

**CWP-12639-2020 (O&M)
DECIDED ON:27.01.2026**

BALRAM

.....PETITIONER(S)

VERSUS

STATE OF HARYANA & ORS.

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. L.C. Aggarwal, Advocate
for the petitioner

Mr. Deepal Balyan Addl. A.G. Haryana
for respondent

SANDEEP MOUDGIL, J (ORAL)

Prayer

The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari to quash the order dated 06.08.2020 (Annexure P- 3) whereby the petitioner was placed under suspension and chargesheeted him under Rule 7 of Haryana Civil Services (Punishment & Appeal) Rules, 2016 (in short as HCS Rules).

Factual Background

2. The petitioner was appointed as Assistant District Attorney on the recommendation of the Haryana Public Service Commission and duly joined service. During his posting at Ambala, the petitioner repeatedly made written

representations to the Deputy Commissioner, Director of Prosecution, and higher authorities highlighting the complete lack of basic infrastructure and supporting staff in his office, which, according to him, made discharge of official duties impossible.

3. An explanation was sought from the petitioner by the Director of Prosecution, which was duly replied to and clarified. Despite this, the petitioner was placed under suspension vide order dated 06.08.2020 (Annexure P-3).

4. The petitioner challenged the suspension order by filing the instant petition, wherein this Court, vide order dated 26.08.2020, kept the suspension order in abeyance, which was clarified on 05.11.2020 by observing that there was no impediment to issuance of a charge sheet, subject to final decision of the case.

5. A charge sheet dated 27.01.2021 was served upon the petitioner only on 15.02.2021, i.e., after about 193 days from the date of suspension. The respondents have admitted this fact in their communication dated 13.05.2025 (Annexure P-23).

6. Meanwhile, the petitioner also sought transfer under the Haryana Government Couple Policy and on medical grounds relating to his wife's pregnancy. Subsequently, vide order dated 25.04.2025, this Court vacated the interim order on the ground that counsel for the petitioner was avoiding arguments. Pursuant thereto, the Director of Prosecution issued a letter dated 02.06.2025 (Annexure P-24) directing implementation of the suspension order.

Contentions**On behalf of the petitioner**

7. The learned counsel for the petitioner submits that the impugned suspension order dated 06.08.2020 (Annexure P-3) is illegal, arbitrary and void ab initio, as the charge sheet was not issued within the mandatory period prescribed under Rule 5 of the HCS Rules, 2016. It is contended that the charge sheet was served upon the petitioner only on 15.02.2021, i.e. after more than 180 days from the date of suspension, a fact expressly admitted by the respondents themselves. In the absence of initiation of disciplinary proceedings within the statutory period, the suspension stood automatically revoked by operation of law.

8. It is further argued that no order extending the suspension beyond the initial period of ninety days, nor any approval of the competent authority as required under Rule 5 of HCS Rules, 2016, was ever communicated to the petitioner. Consequently, the suspension could not legally survive beyond the prescribed period and the respondents were divested of any authority to revive or act upon the same at a later stage, while further arguing that the subsequent communication dated 02.06.2025 (Annexure P-24) issued by the Director of Prosecution, pursuant to the vacation of interim relief by this Court, is legally unsustainable, as an invalid and non-existent suspension order could not have been acted upon or enforced after the statutory lapse.

9. It is further contended that the decision to initiate proceedings under Rule 7 of the HCS Rules, 2016 is vitiated by non-application of mind and arbitrariness, as the impugned suspension order and consequential proceedings were initiated without issuance of any show cause notice and without instituting a preliminary inquiry, thereby rendering the entire action procedurally defective and unsustainable in law.

10. It is lastly contended that the petitioner has since been transferred to another station, and no departmental inquiry has been initiated till date despite issuance of the charge sheet. In such circumstances, continuation or revival of suspension serves no administrative purpose and would result in grave prejudice to the petitioner.

On behalf of respondents

11. Learned State counsel vehemently opposing the present petition stating that the impugned suspension order dated 06.08.2020 (Annexure P-3) has been passed strictly in accordance with Rule 5(1)(a) of the HCS Rules, 2016 as disciplinary proceedings against the petitioner were clearly contemplated on the basis of multiple adverse reports received from the Deputy Commissioner, Ambala, alleging unsatisfactory work, wilful disobedience of orders, absence from election duty, and other administrative irregularities.

12. It is contended that prior to passing the suspension order, the petitioner was duly called upon to submit his explanation by the Director of Prosecution, Haryana, and the same was considered. On examination of the material placed on record, including communications from the Chief Electoral Officer, Haryana, and subsequent complaints received in June–July 2020, the competent authority formed an opinion that the petitioner's conduct warranted disciplinary action.

13. Learned counsel further argued that the writ petition, as originally filed, was premature, as at that stage only a decision to initiate proceedings under Rule 7 of HCS Rules, 2016 had been taken by Competent Authority and no punishment had been imposed. It is well settled that suspension is not a penalty

and ordinarily courts should not interfere at an interlocutory stage of disciplinary proceedings.

14. Learned State counsel further submits that the charge sheet had in fact been issued to the petitioner in the year 2021 and that disciplinary proceedings are presently underway. In compliance with the directions of this Court issued vide order dated 20.11.2025, the State has placed on record a copy of the order dated 20.01.2026 appointing the Inquiry Officer for conducting proceedings under Rule 7 of the HCS Rules, 2016 against the petitioner.

15. It is lastly contended that since the departmental inquiry has now commenced and the petitioner has adequate opportunity to defend himself in accordance with law, no interference is warranted in exercise of writ jurisdiction, and the writ petition deserves to be dismissed

Analysis

16. Having heard learned counsel for the parties and perused the record, this Court is of the considered view that it is apposite to discuss the scope of judicial interference in disciplinary proceedings under the writ jurisdiction. Guidance may be derived from the Supreme Court in **“Union of Indian VS. P. Gunasekaran 2015 (1) SCT 5”** wherein the court while discussing the scope of judicial review laid down parameteres under which judicial interference under writ jurisdiction is warranted, the same is as under:

13. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, re-appreciating even the evidence before the enquiry officer. The finding on Charge No. I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Article 226/227 of the

Constitution of India, shall not venture into re-appreciation of the evidence. The High Court can only see whether :

- a. the enquiry is held by a competent authority;*
- b. the enquiry is held according to the procedure prescribed in that behalf;*
- c. there is violation of the principles of natural justice in conducting the proceedings;*
- d. the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;*
- e. the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;*
- f. the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;*
- g. the disciplinary authority had erroneously failed to admit the admissible and material evidence;*
- h. the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;*
- i. the finding of fact is based on no evidence.*

Under Article 226/227 of the Constitution of India, the High Court shall not:

- (i). re-appreciate the evidence;*
- (ii). interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;*
- (iii). go into the adequacy of the evidence;*
- (iv). go into the reliability of the evidence;*
- (v). interfere, if there be some legal evidence on which findings can be based.*
- (vi). correct the error of fact however grave it may appear to be;*
- (vii). go into the proportionality of punishment unless it shocks its conscience.*

17. Indeed, this court must now consider whether the unique facts of the present matter, when tested against the touchstone of these established principles, fall squarely within the legal contours and the precise parameters so meticulously delineated by the Apex Court in the above cited judgment.

18. It is an admitted position that a charge sheet under Rule 7 of the HCS Rules has already been issued to the petitioner in the year 2021 and, pursuant to the directions of this Court dated 20.11.2025, the respondents have placed on record an order dated 20.01.2026 appointing an Inquiry Officer to conduct the departmental inquiry. The disciplinary proceedings are thus presently underway warranting any interference of this Court.

19. The law is well settled that ordinarily a writ petition against a charge sheet or at the stage of initiation of disciplinary proceedings is not maintainable unless the same is shown to be wholly without jurisdiction or vitiated by patent mala fides.

20. The above-said principle stands fortified by the Supreme Court in **Union of India v. Kunisetty Satyanarayana, (2006) 12 SCC 28**, observing that a charge sheet does not give rise to any cause of action and that interference at the stage of issuance of charge sheet or initiation of inquiry is premature. It was further held that the delinquent employee must ordinarily participate in the inquiry and raise all permissible defences before the disciplinary authority. Relevant extract of the same reads as under:

12. It is well settled by a series of decisions of this Court that ordinarily no writ lies against a charge sheet or show-cause notice vide Executive Engineer, Bihar State Housing Board v. Ramdesh Kumar Singh and others, JT 1995(8) SC 331, Ulagappa and others v. Divisional Commissioner, Mysore and others, 2001(10) SCC 639, State of U.P. v. Brahm Datt Sharma and another, AIR 1987 Supreme Court 943 etc.

13. The reason why ordinarily a writ petition should not be entertained against a mere show-cause notice or charge-sheet is that at that stage the writ petition may be held to be premature. A mere charge-sheet or show-cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after

considering the reply to the show-cause notice or after holding an enquiry the authority concerned may drop the proceedings and/or hold that the charges are not established. It is well settled that a writ lies when some right of any party is infringed. A mere show-cause notice or charge-sheet does not infringe the right of any one. It is only when a final order imposing some punishment or otherwise adversely affecting a party is passed, that the said party can be said to have any grievance.

14. Writ jurisdiction is discretionary jurisdiction and hence such discretion under Article 226 should not ordinarily be exercised by quashing a show-cause notice or charge sheet.

21. From the ratio laid down in the above cited judgment this court is of the view that generally the High Court under its writ jurisdiction should refrain from interfering in disciplinary proceedings at an initial stage and that judicial review is available only after a final order is passed.

22. In the present case, the petitioner has ample opportunity to raise all factual and legal objections before the Inquiry Officer, including objections relating to procedure, jurisdiction, and alleged violation of rules. Any grievance arising out of the final order passed in the disciplinary proceedings would be open to challenge in accordance with law.

23. This Court is also mindful of the settled principle that suspension is not a punishment and is only a step in aid of disciplinary proceedings. Once the inquiry has commenced, the Court ought not to stall the proceedings unless exceptional circumstances are made out, which are conspicuously absent in the present case.

24. Applying the aforesaid principles to the facts of the present case, this Court finds that none of the contingencies enumerated in **Union of India v. P. Gunasekaran (supra)** are attracted so as to justify interference at this stage. The petitioner has neither demonstrated that the inquiry has been initiated by an

incompetent authority nor that the prescribed procedure has been violated. There is no material placed on record to indicate any breach of the principles of natural justice, consideration of extraneous or irrelevant factors, or perversity in the initiation of proceedings. At this juncture, no findings of fact have yet been recorded, nor has any evidence been appreciated or relied upon by the Inquiry Officer. Consequently, the grounds on which judicial review may be exercised, as delineated in *P. Gunasekaran* (supra), remain wholly inapplicable. Entertaining the present writ petition would, therefore, amount to a premature invocation of writ jurisdiction and an impermissible intrusion into an ongoing disciplinary process, which the law consistently deprecates

Conclusion

25. In view of the above, this Court finds that interference at this nascent stage of departmental inquiry would be wholly unwarranted. The writ petition is accordingly dismissed, leaving it open to the petitioner to avail appropriate remedies, if any, after the conclusion of the disciplinary proceedings and passing of a final order.

26. Pending application(s), if any, also stands disposed of.

27.01.2026

Meenu

**(SANDEEP MOUDGIL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No