



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

- 1) CWP-15292-2026
Date of decision: 27.05.2026
- Kunwar Bahadur SinghPetitioner
Versus
State of Haryana and others ...Respondents
- 2) CWP-15604-2026
- Ashok KumarPetitioner
Versus
State of Haryana and others ...Respondents
- 3) CWP-15779-2026
- Parveen KumarPetitioner
Versus
Chairman, Haryana Power Utilities and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Raman Singla, Advocate
for the petitioner (in CWP-15292-2026 &
CWP-15604-2026).

Mr. Garvit Mittal, Advocate
for the petitioner (in CWP-15779-2026).

Mr. Vikrant Pamboo, Advocate
for respondents No.2 to 5 (in CWP-15292-2026) assisted by
XEN, Op. Division, DHBVN, Yamunanagar.

Mr. Siddharth Gupta, Advocate
for the respondent(s) (in CWP-15604-2026 &
CWP-15779-2026).

HARPREET SINGH BRAR, J. (ORAL)

1. With the consent of parties, all the above mentioned cases are



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taken up and disposed of together as an identical issue is involved in all three petitions, however, for the sake of brevity, the facts are taken from CWP-15292-2026.

2. The operative order was passed by this Court on 20.05.2026 and the same is reproduced as under:-

“1. With the consent of parties, all the above mentioned cases are taken up together as an identical issue is involved in all three petitions, however, for the sake of brevity, the facts are taken from CWP-15292-2026.

2. The present civil writ petition(s) 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 impugned order dated 04.05.2026 (Annexure P-8). Further, for issuance of a writ in the nature of mandamus directing the respondents to reinstate the petitioner back in service forthwith and grant him all benefits including arrears along with interest.

*3. Learned counsel for the petitioner(s) inter alia contends that the petitioner joined in August, 1987 with the respondent-Nigam. On 19.05.2023, the petitioner along with other co-employees were falsely implicated in FIR No.401 registered at Police Station City, Yamuna Nagar, Haryana under the provisions of Indian Penal Code. The petitioner(s) was arrested on 30.05.2024 and in the meantime, the petitioner was suspended on 03.06.2024 (Annexure P-2). A charge sheet was issued on 06.09.2024 (Annexure P-3) and till date, no inquiry officer was appointed. The petitioner was reinstated and joined his duties on 03.02.2025 (Annexure P-5). He further relies upon the judgment rendered by this Court in CWP No.1117 of 2026 titled as **‘Pooja Gera Vs. State of Haryana and others’** decided on 19.01.2026 (Annexure P-6) and submits that the employee cannot be subjected to indefinite period of suspension and further, the prolonged delay in concluding departmental proceedings would tilt the balance in favour of the*



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employees. The learned Chief Judicial Magistrate, Jagadhri framed charges against the petitioner and his co-accused on 26.02.2026 (Annexure P-7) and petitioner was surprisingly, again suspended vide the impugned letter dated 04.05.2026. This Court in CWP No.13998 of 2026 titled as **Kulwant Singh Vs. Chairman, Haryana Power Utilities, Panchkula and others** on 06.05.2026 (Annexure P-9) allowed the said writ petition and ordered reinstatement of the co-accused in the same FIR who has been suspended by the respondent-Corporation.

4. Per contra, learned counsel for the respondent-Corporation is not in a position to controvert the fact that on the same set of allegations the petitioner has been suspended twice. Earlier suspension order was revoked and the petitioner was reinstated on 03.02.2025 but till date, the departmental proceedings have not made any progress.

5. Having heard learned counsel for the parties and after perusal of the record of the case with their able assistance, it transpires that the issue involved in the present case is no longer res integra and squarely covered by the judgment rendered by this Court in **Pooja Gera's case (supra)** and the judgments of the Hon'ble Supreme Court in **State of Tamil Nadu vs Parmod Kumar IPS, (2018) 17 SCC 677** and **K. Sukhender Reddy vs State of A.P. and another, (1999) 6 SCC 257**.

6. The Hon'ble Supreme Court in **Parmod Kumar's case (supra)** and **K. Sukhender Reddy's case (supra)**, has clarified that a delinquent employee cannot be placed under suspension for an indefinite period. Further, it was held that suspension must necessarily be of a short duration as the delinquent employee is entitled to speedy conclusion of disciplinary proceedings initiated against him. Reliance in this regard can also be placed on the judgment rendered by this Court in CWP No.11580 of 2017 titled as '**Ashok Kumar Vs. Punjab State Civil Supplies Corporation Limited and another**' decided on 25.09.2025.



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7. This Court in **Pooja Gera's case (supra)** has observed the following:-

“9. Every delinquent employee has a legitimate right to have disciplinary proceedings concluded expeditiously. Undue prolongation causes mental agony, financial hardship, and social stigma, even before the charges are proven. This is considered as a punishment in itself. When delay is abnormal and remains unexplained by the department, prejudice to the delinquent is presumed. The employee may suffer from loss of evidence, non-availability of witnesses, fading memory, and inability to defend effectively. While serious charges may warrant continuation, prolonged delay without justification tilts the balance in favor of quashing the proceedings.

10. The employer must conduct proceedings diligently and without unnecessary delay. Protracted enquiries defeat the very purpose of disciplinary mechanism, instead of ensuring efficiency, integrity, and accountability they breed inefficiency, demoralization, and distrust in the system. A lack of seriousness in pursuing charges reflects poorly on the administration and may indicate malice or oblique motives, the employer cannot be permitted to keep the sword of disciplinary action dangling over an employee indefinitely.”

8. At this stage, Mr. Vikrant Pamboo, Advocate for respondents No.2 to 5 (in CWP-15292-2026) seeks a short accommodation to have complete instructions in this regard.

9. Adjourned to 27.05.2026.

10. A photo copy of this order be placed on the file of connected cases.”



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3. Learned counsel for respondents No.2 to 5 (in CWP-15292-2026) is not in a position to controvert the fact that the petitioner(s) has been suspended twice with regard to the same misconduct and has also not been able to cite any case law or statutory provisions to justify the suspension of a delinquent employee twice on the same set of allegations.

4. In view of the aforesaid factual matrix, this Court finds merit in the arguments raised by learned counsel for the petitioner(s). Consequently, all the above-mentioned writ petitions are allowed and the suspension order dated 04.05.2026 (Annexure P-8) passed in CWP-15292-2026 and CWP-15604-2026, as well as the order dated 07.05.2026 passed in CWP-15779-2026, are hereby set aside.

5. A photo copy of this order be placed on the file of connected cases.

(HARPREET SINGH BRAR)
JUDGE

27.05.2026
Neha

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