



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

**CWP-38048-2025
DECIDED ON: 13.01.2026**

MANOJ KUMAR

.....PETITIONER

VERSUS

THE STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Rajneesh Chadwal, Advocate
 for the petitioner(s)

SANDEEP MOUDGIL, J

Prayer

1. The jurisdiction of this Court has been invoked under Articles 226/227 of the Constitution of India for issuance of Writ in the nature of *Certiorari* seeking quashing of the order dated 27.11.2025 (Annexure P-2) passed by Principal Chief Conservator of Forest and Head of Forest Force, Haryana, Panchkula vide which petitioner has been placed under suspension with further prayer for issuance of a Writ in the nature of Mandamus directing the respondents to re-instate the petitioner with all consequential benefits.

Brief Facts

2. The petitioner was appointed as a Deputy Forest Ranger on 07.09.2004 and, upon promotion, has been serving as a Forest Ranger/Range Forest Officer since the year 2011. A report dated 21.11.2025 (Annexure P-3) was submitted by the Conservator of Forests, Ambala, alleging certain acts of negligence and disobedience of official directions on the part of the petitioner.

3. On the basis of the said report, the Principal Chief Conservator of Forests, Haryana, in exercise of powers conferred under Rule 5 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016, passed an order dated 27.11.2025 (Annexure P-2) placing the petitioner under suspension. The suspension was ordered pending further consideration of the matter at the departmental level. Aggrieved by the aforesaid suspension order, the petitioner has filed the present writ petition.

Contentions
On behalf of petitioner

4. Learned counsel for the petitioner contends that the impugned suspension order dated 27.11.2025 (Annexure P-2) has been passed in an arbitrary and mechanical manner without due application of mind. It is submitted that the order is founded solely on a communication dated 21.11.2025 (Annexure P-3) issued by the Conservator of Forests, Ambala, without any preliminary inquiry and without affording the petitioner an opportunity of hearing.

5. It is argued that the suspension order is non-speaking in nature, as it neither discloses any material nor records reasons justifying the necessity of placing the petitioner under suspension. The allegations of “continuous negligence” and “disobedience of orders” are stated to be vague and undefined, with no specific charge or factual foundation mentioned therein.

6. Learned counsel submits that even if the alleged lapses are assumed to be correct, the same do not constitute misconduct of such gravity as to warrant suspension, rendering the impugned action punitive in nature and violative of the principles of natural justice.

7. It is also alleged that the suspension order is vitiated by mala fides, having been issued with an ulterior motive to accommodate a relative of respondent No. 3 on the post held by the petitioner.

8. No other arguments has been raised by learned counsel for the petitioner.

Analysis

9. This Court has considered the submissions and has perused the record with due care. The impugned order dated 27.11.2025 (Annexure P-2) has been passed in exercise of powers under Rule 5 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016, which empowers the competent authority to place a government servant under suspension pending contemplation or pendency of disciplinary proceedings. Suspension, by its very nature, is not a punishment but a measure to facilitate a fair and unhindered inquiry, and therefore does not attract the rigors applicable to punitive orders.

10. The record reveals that the suspension order has been passed after receipt and consideration of the report dated 21.11.2025 (Annexure P-3) submitted by the Conservator of Forests, Ambala. The competent authority, namely the Principal Chief Conservator of Forests, was satisfied that continuation of the petitioner in service at the relevant post was not desirable at that stage. At the stage of suspension, the authority is not required to record elaborate reasons or to adjudicate upon the correctness of the allegations, nor is it necessary to specify detailed charges in the suspension order itself.

11. The contention of the petitioner that the order is non-speaking and suffers from non-application of mind cannot be accepted, as the suspension order reflects due consideration of the material placed before the competent authority. It

is well settled that a suspension order only needs to indicate that the authority has formed an opinion based on relevant material, and a detailed reasoning akin to a final order of punishment is neither contemplated nor required in law. Guidance may be drawn from the Apex Court in **“Union of India v. Ashok Kumar Aggarwal 2014 (2) SCT 70”** wherein it was observed that,

“14. The scope of interference by the Court with the order of suspension has been examined by the Court in a large number of cases, particularly in State of M.P. v. Sardul Singh, (1970) 1 SCC 108; P.V. Srinivasa Sastry v. Comptroller & Auditor General of India, (1993) 1 SCC 419; Director General, ESI & Anr. v. T. Abdul Razak, AIR 1996 Supreme Court 2292; Kusheshwar Dubey v. M/s. Bharat Cooking Coal Ltd. & Ors., AIR 1988 Supreme Court 2118; Delhi Cloth General Mills v. Kushan Bhan, AIR 1960 Supreme Court 806; U.P. Rajya Krishi Utpadan Mandi Parishad & Ors. v. Sanjeev Rajan, (1993) Supp. (3) SCC 483; State of Rajasthan v. B.K. Meena & Ors., (1996) 6 SCC 417; Secretary to Govt., Prohibition and Excise Department v. L. Srinivasan, 1996(2) S.C.T. 510 : (1996) 3 SCC 157; and Allahabad Bank & Anr. v. Deepak Kumar Bhola, 1997(2) S.C.T. 643 : (1997) 4 SCC 1, wherein it has been observed that even if a criminal trial or enquiry takes a long time, it is ordinarily not open to the court to interfere in case of suspension as it is in the exclusive domain of the competent authority who can always review its order of suspension being an inherent power conferred upon them by the provisions of Article 21 of the General Clauses Act, 1897 and while exercising such a power, the authority can consider the case of an employee for revoking the suspension order, if satisfied that the criminal case pending would be concluded after an unusual delay for no fault of the employee concerned. Where the charges are baseless, mala fide or vindictive and are framed only to keep the delinquent employee out of job, a case for judicial review is made out. But in a case where no conclusion can be arrived at without examining the entire record in question and in order that the disciplinary proceedings may continue unhindered the court may not interfere. In case the court comes to the conclusion that the authority is not proceeding expeditiously as it ought to have been and it results in prolongation of sufferings for the delinquent employee, the court may issue directions. The court may, in case the authority fails to furnish proper explanation for delay in conclusion of the enquiry, direct to complete the enquiry within a stipulated period.

Suspension is a device to keep the delinquent out of the mischief range. The purpose is to complete the proceedings unhindered. Suspension is an interim measure in aid of disciplinary proceedings so that the delinquent may not gain custody or control of papers or take any advantage of his position. More so, at this stage, it is not desirable that the court may find out as which version is true when there are claims and counter claims on factual issues. The court cannot act as if it an appellate forum de hors the powers of judicial review.”

12. The plea of violation of principles of natural justice is also misconceived. At the stage of suspension, prior notice or opportunity of hearing is not mandatory, as suspension does not visit the employee with civil consequences of a punitive nature. The petitioner shall have full opportunity to defend himself in the disciplinary proceedings, if initiated, in accordance with law. This view of mine finds support in the decision of the Supreme Court in **“State of Orissa v. Bimal Kumar Mohanty 1994(4) SCC 126”** wherein it was observed that,

“Suspension is not a punishment but is only one of forbidding or disabling an employee to discharge the duties of office or post held by him. In order words it is to refrain him to avail further opportunity to perpetrate the alleged misconduct or to remove the impression among the members of service that dereliction of duty would pay fruits and the offending employee could get away even pending enquiry without any impediment or to prevent an opportunity to the delinquent officer to scuttle the enquiry or investigation or to win over the witnesses or the delinquent having had the opportunity in office to impede the progress of the investigation or enquiry etc. But as stated earlier, each case must be considered depending on the nature of the allegations, gravity of the situation and the indelible impact it creates on the service for the continuance of the delinquent employee in service pending enquiry or contemplated enquiry or investigation. It would be another thing if the action is actuated by mala fides, arbitrary or for ulterior purpose. The suspension must be a step in aid to the ultimate result of the investigation of enquiry. The authority also should keep in mind public interest of the impact of the delinquent's continuance in office while facing departmental enquiry or trial of a criminal charge.”

13. The allegations of mala fide have been baldly made without any cogent material or specific particulars to substantiate the same. Mere assertion of ulterior motive, without supporting evidence, is insufficient to vitiate an administrative order passed by a competent authority in exercise of statutory power.

Conclusion

14. In view of the above, this Court finds no arbitrariness, illegality or perversity in the impugned suspension order dated 27.11.2025 (Annexure P-2) warranting interference under Articles 226/227 of the Constitution of India.

15. Pending application(s), if any shall disposed off.

(SANDEEP MOUDGIL)
JUDGE

13.01.2026
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*