



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

**LPA No.512 of 2025
Date of Decision: 26.03.2025**

Ashok Kumar

.....Appellant.

Versus

State of Haryana and others

.....Respondents.

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. R.N. Lohan, Advocate
for the appellant.

SANJEEV PRAKASH SHARMA, J.(Oral)

Learned counsel assails the order dated 14.01.2025 passed by the learned Single Judge to the extent where the learned Single Judge has directed as under:-

“15. The Department would be at liberty to conduct inquiry as per Article 311 of Constitution of India and Rule 16.24 of 1934 Rules. The petitioner, as conceded by him, would be entitled to reinstatement if departmental inquiry followed by final order is not concluded within eight months from today. The fate of the petitioner would be as per the outcome of said inquiry.”

2. Learned counsel submits that while the learned Single Judge has directed for completion of departmental inquiry within eight months, it



has further been directed that the appellant/writ-petitioner would be reinstated only if the inquiry is not completed within eight months. Thus, for the period of eight months, the writ-petitioner has been left to face inquiry without being in service which could not have been done.

3. Notice of motion.

4. Ms. Shruti Jain Goyal, learned Senior D.A.G, Haryana, accepts notice on behalf of all the respondents.

5. Taking into consideration the short point involved, we have noticed and accepted the submission of learned State counsel that for the intervening period, the appellant can be kept under suspension so that he may be able to face the departmental inquiry.

6. We are of the firm opinion that a departmental inquiry can be concluded only with the presence of the appellant and if he is not in service nor he has retired, then such departmental inquiry will have no meaning in the eyes of law.

7. We, therefore, modify the impugned order dated 14.01.2025 passed by the learned Single Judge to the extent that the appellant would be entitled to reinstatement and placed under suspension during the period when the departmental inquiry to be conducted and a charge-sheet be issued to him to which he would submit a reply and thereafter, the respondents would be free to proceed either to continue with the inquiry or to take a decision on the basis of the reply.

8. The appellant would, of course, be entitled to the subsistence



allowance during the period he remains under suspension.

9. The present appeal is disposed of with the afore-said observations.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

March 26, 2025
Yag Dutt

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