

Om Krishan vs. State of H.P. and Anr.

CWP No.6577 of 2026

04.05.2026 Present: Mr. Sanjeev Bhushan, Senior Advocate with Mr. Sparsh Bhushan, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Pushpinder Jaswal, Additional Advocate General, for the respondents-State.

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Notice. Mr. Pushpinder Jaswal, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents. He prays for and is granted four weeks' time to file reply to the petition.

2. List on **01.06.2026**.

CMP No.9494 of 2026

3. Notice in the aforesaid terms.

4. The petitioner, who is working as a Clerk in Government Senior Secondary School, Teban, District Mandi, H.P., was served with a memorandum dated 06.04.2024 along with Articles of Charge. After conducting the inquiry, the inquiry report was submitted by the Inquiry Officer, however, the same was not found to be acceptable to the disciplinary authority. The disciplinary authority asked the Inquiry Officer to conduct the inquiry afresh, who submitted his report on 02.04.2025. Thereafter a show cause notice was issued to the petitioner on 31.10.2025, asking him to submit his representation within 15 days.

5. A perusal of the show cause notice dated 31.10.2025 reveals that the disciplinary authority had categorically observed that the actions on the part of the petitioner, indicate breach of trust, dereliction of duty and violation of service conduct Rules and the period he remained in judicial custody w.e.f. 19.01.2022 till decision of the case i.e. 17.01.2024 is proposed as "DIES-NON", for all intents and purposes. However, later on vide office order dated 06.01.2026, the disciplinary authority on receipt of reply to the show cause notice, proposed to issue a fresh charge-sheet under Rule 14(3) of the CCS(CCA) Rules, 1965, to the petitioner, which is now under challenge.

6. *Prima facie* from the perusal of the documents placed on record, once the disciplinary authority had issued the show cause notice dated 31.10.2025 to propose the period w.e.f. 19.01.2022 to 17.01.2024 as "DIES-NON", there was no question of taking a somersault when order dated 06.01.2026 has been passed. Therefore, keeping in view the above facts, it is ordered that during the pendency of the writ petition, the office order dated 06.01.2026 shall remain stayed.

7. Application stands disposed of.

May 04, 2026
(ankit)

(Jiya Lal Bhardwaj)
Judge