

Madhu Tanwar vs. State of Himachal Pradesh and others

CWP No. 15951 of 2025

10.10.2025 Present Mr. Ashwani K. Sharma, Senior Advocate with Mr. Ishan Sharma, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar, Additional Advocate Generals and Mr. Ravi Chauhan, Deputy Advocate General, for the respondents-State.

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

List on 24.11.2025.

CMP No. 24512 of 2025

Notice in the aforesaid terms. Reply, if any, be filed on or before the next date of hearing.

Precisely, the case of the petitioner as has been highlighted in the petition and further canvassed by Mr. Ashwani K. Sharma, learned Senior Counsel representing the petitioner, is that though petitioner herein, who was working as Supervisor, superannuated on 31.07.2015, but now after expiry of more than 10 years, an inquiry is being contemplated against her on the allegation that she procured job on the basis of false SC certificate. Mr. Sharma, states that as of today, there is nothing to suggest that SC Certificate issued in favour of the petitioner was ever cancelled, but yet on the basis of frivolous complaints made by the brother-in-law of the petitioner, petitioner herein has been

harassed after her superannuation. While referring to Rule 9(2)(b)(ii), Mr. Sharma, states that otherwise also no departmental proceedings can be instituted in respect of any event which took place more than four years before such institution. He states that since petitioner herein was given employment pursuant to her having cleared HAS (Allied) examination in the year 1988, there was otherwise no occasion, if any, for the respondents to institute inquiry at this stage.

Having carefully perused averments contained in the petition, which is duly supported by an affidavit as well as provision contained under Rule 9(2)(b)(ii), this Court is persuaded to agree with learned counsel for the petitioner and as such, in the interim, it is ordered that till further orders, further proceedings in pursuance to letter dated 03.09.2025 (Annexure P-2) shall remain stayed.

(Sandeep Sharma)
Judge

October 10, 2025
(shankar)