



CWP-11876-2026

-1026:PHHC:058899

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11876-2026
DECIDED ON: 20.04.2026

ASHOK KUMAR

....PETITIONER

VERSUS

STATE OF HARYANA & ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Parveen Chauhan, Advocate for the petitioner.

SANDEEP MOUDGIL, J

Prayer

1. The petitioner has approached this Court under Articles 226/227 of the Constitution of India challenging the suspension order dated 04.04.2026 (Annexure P-8) and seeking its quashing whereby the services of the petitioner has kept under suspension along with a direction to permit him to continue in service with consequential benefits.

Brief Facts

2. The petitioner was initially appointed as P.R. Chowkidar in the year 1993 and his services were subsequently regularised. He was granted successive promotions over the course of service and was working as Inspector, Food and Supplies at the relevant time. He was subjected to a mutual transfer in August 2025 and joined at Kurukshetra on 29.03.2026.

3. The impugned suspension order dated 04.04.2026 was thereafter issued by the respondents placing the petitioner under suspension. The order was



passed without issuance of any prior notice or show cause and without indicating any pending or contemplated disciplinary proceedings. The petitioner was also not apprised of any specific allegations forming the basis of the suspension.

4. The petitioner has, therefore, challenged the said suspension order as being arbitrary and unsustainable in law and has sought quashing of the same with consequential benefits.

Contentions

On the behalf of petitioner

5. Learned counsel for the petitioner submits that the impugned suspension order dated 04.04.2026 has been passed without issuing any show cause notice or affording any opportunity of hearing to the petitioner. It is contended that there is neither any pending nor contemplated disciplinary proceeding, nor any material on record to justify such an extreme administrative action.

6. It is further contended that the petitioner has rendered long and unblemished service and was actively discharging duties even shortly prior to the impugned order. Counsel submits that the suspension order is non-speaking, arbitrary and punitive in nature, resulting in undue prejudice, stigma and financial hardship, and is thus liable to be set aside with reinstatement and consequential benefits.

Analysis

10. This Court is mindful of the fact that the impugned suspension order dated 04.04.2026 is of a very recent origin, having been passed only about 18 days prior to the consideration of the present petition, also taking into account the intervening Baisakhi break. At such an early stage, the scope of judicial review in



matters of suspension is inherently limited, as the process of departmental proceedings, if any, is still at a nascent stage.

11. It is well settled that suspension of an employee is not a punishment in itself, but only an interim administrative measure intended to facilitate fair and effective conduct of departmental proceedings, if contemplated or initiated. The object of suspension is to ensure that the employee concerned does not influence or prejudice the inquiry process. At this stage, the Court does not sit in appeal over the subjective satisfaction of the competent authority unless the same is shown to be vitiated by mala fides or patent arbitrariness.

12. It is further a settled principle that while passing an order of suspension, the competent authority is not required to record detailed reasons, as the same is not a final adjudicatory order. The Apex Court in ***State of Orissa v. Bimal Kumar Mohanty, (1994) 4 SCC 126***, has held that suspension is only a step in aid of inquiry and that the authority, on forming a prima facie opinion, is empowered to place an employee under suspension in order to ensure a fair and uninfluenced enquiry. The relevant part is reproduced as under:

13. It is thus settled law that normally when an appointing authority or the disciplinary authority seeks to suspend an employee, pending inquiry or contemplated inquiry or pending investigation into grave charges of misconduct or defalcation of funds or serious acts of omission and commission, the order of suspension would be passed after taking into consideration the gravity of the misconduct sought to be inquired into or investigated and the nature of the evidence placed before the appointing authority and on application of the mind by disciplinary authority. Appointing authority or disciplinary authority should consider the above aspects and decide whether it is expedient to keep an employee under suspension pending aforesaid action. It would not be as an administrative routine or an automatic order to



suspend an employee. It should be on consideration of the gravity of the alleged misconduct or the nature of the allegations imputed to the delinquent employee. The Court or the Tribunal must consider each case on its own facts and no general law could be laid down in that behalf. 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 other 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. In the present case, no material has been placed on record to demonstrate that the suspension order suffers from any procedural illegality or that it has been passed without application of mind. The challenge raised by the petitioner is essentially premised on the absence of recorded reasons and alleged arbitrariness, which, in view of the settled legal position, cannot be accepted at this stage of proceedings.



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14. In view of the aforesaid facts and circumstances, this Court finds no ground to interfere with the impugned suspension order dated 04.04.2026 (Annexure P-8).

15. Hence, the present writ petition, being devoid of merit is dismissed.

20.04.2026
NainaRajput

(SANDEEP MOUDGIL)
JUDGE

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