IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.364 of 2025
Decided on : 05.10.2026

Central Sanskrit University ... Appellant.

Versus

Surinder Kumar …Respondent.

Coram
Hon'ble Mr. Gurmeet Singh Sandhawalia, Chief Justice.
Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?[1]

For the appellant : Mr. Gaurav Sharma, Advocate.

For the respondent : Mr. Sanjeev Bhushan, Sr. Advocate, with Mr. Sparsh Bhushan, Advocate.

G.S. Sandhawalia, Chief Justice *(Oral)*

Consideration has been sought of the order of the learned Single Judge passed in Civil Writ Petition No. 15771 of 2024, titled *Surinder Kumar vs. Central Sanskrit University*, dated 21.05.2025, whereby the learned Single Judge set aside the suspension order dated 31.05.2024 (Annexure P-2) and directed the University to initiate a fresh inquiry, if required, after serving the petitioner with a show-cause notice and affording him an opportunity to explain his conduct. The petitioner has been held to be deemed to be in service as a result and entitled to full wages for the period he was unauthorizedly suspended.

1 *Whether the reporters of the local papers may be allowed to see the Judgment?* ***Yes***

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2. It is not disputed that the petitioner was engaged as a Data Entry Operator on contract basis vide order dated 15th December, 2008 (Annexure P-1). He was thereafter suspended vide order dated 31.05.2024 (Annexure P-2) on the grounds of negligence in work and continuous absence from duty, misconduct and misbehavior with the superiors and colleagues. He was drawing a salary of ₹6,000/- per month, as per the contract, which was initially for a period of 10 months.

3. The writ petition came to be filed in December, 2024 with a prayer that the order was passed in violation of the principles of natural justice be declared as null and void, and direction be issued to the respondent-University to pay salary to the writ petitioner from May, 2024 till he is reinstated. In the writ petition, it was also mentioned that no person can be kept under suspension beyond 90 days as per Rule 10(7) of the Central Civil Services (Classification, Control and Appeal) Rules.

4. Learned Single Judge allowed the writ petition by relying upon the judgment passed in ***Civil Writ Petition No. 617 of 2020, titled Darshana Kumari v. State of Himachal Pradesh, on 24.03.2025***, which, in turn, had relied upon the judgment in ***V.P. Ahuja v. State of Punjab, (2000) 3 SCC 239.*** Perusal of the said case would go on to show that it was a case where service was dispensed with and resultantly the

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Apex Court had come to the conclusion that the order was stigmatic and punitive, and had nothing to do with the order of suspension, and the employee was on probation. Similar position was in ***Darshana Kumari's case (supra)***, whereby the employee had been terminated on account of continuous absence.

5. The learned Single Judge has not relied upon any provisions which would go on to show that before suspending him, he has to be issued a show-cause notice. The reply filed as such by the University would go on to show that, firstly, a specific stand was taken that the writ petitioner was a contractual employee and not covered under the Rules in question. It has also been mentioned that an Inquiry Committee had been constituted to inquire into the complaint, which culminated on 8th October 2024 and has given its report. The matter was kept pending only because of the pendency of the writ petition, and permission was sought as the report was to be taken up for consideration. It is also to be noticed that in the interim order, at one point in time, prayer as such had been made on 6th January, 2025 that the University may not take any coercive action against the petitioner. However, the Court had not made any observation on the merits thereof. Thereafter, on 26th May, 2025, it has also been noticed that the

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Director would remain present in case the information was not given as to whether any show-cause notice had been issued, and the matter then came to be decided on 21.05.2025.

6. In such circumstances, we are of the opinion that, in the absence of any specific Rule, the order of the learned Single Judge is not sustainable, that in all cases a person who is to be suspended, would have to be firstly called upon to answer whether he should be placed under suspension or not. Therefore, the order passed is not sustainable. As per the General Rules which prevail, if there is any specific outer limit of suspension provided and after that, the mind has to be applied, the Authority would have to take a call whether suspension is to be extended or not.

7. In the peculiar facts and circumstances, when the inquiry proceedings have culminated also, the Authority will have to take a call as to whether the charges have been established against the delinquent employee and how the period of suspension is to be treated both in cases of the charge having been proved or the employee having been exonerated. In case he is exonerated, necessarily he would have to be paid full wages for the period.

8. In the present circumstances, we are of the considered opinion that since the inquiry proceedings are

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stated to be already complete and there is no such challenge to the report, nor any replication filed to controvert the said fact, liberty is to be given to the appellant-University to take a call on the said proceedings within a period of four weeks from today. Needless to say, after the said decision, it will also be the duty of the appellant-University to take a call as to how the period of suspension is to be treated, keeping in view the above observations.

9. Resultantly, we allow the appeal and set aside the judgment passed by the learned Single Judge. The needful be done within the stipulated period of four weeks. Needless to say that we have not commented upon the manner in which the inquiry was conducted. It is always open to the petitioner to challenge the same, whether it is vitiated by failing to follow the proper procedure as contemplated as is now sought to be argued. Pending miscellaneous applications, if any, also stands disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

05th October, 2026
Tarun Singh

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