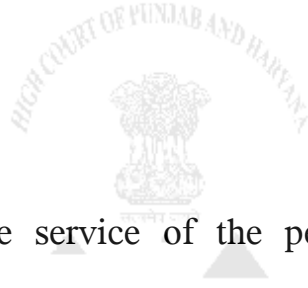


**113 CWP-31600-2025 (O&M)****RAHUL YADAV VS STATE OF HARYANA AND OTHERS**

Present: Mr. Sunil K. Nehra, Sr. Advocate with
Mr. Viren Nehra, Advocate
for the petitioner.

Learned Senior counsel for the petitioner contends that the petitioner is working as a Sub Divisional Officer (OP) Sub Division, Uttar Haryana Bijli Vitran Nigam (UHBVN), Guhla. One Abhinav son of respondent No.8- Balwinder Singh had submitted multiple applications for a permanent electricity connection for Vishal Poultry Farm which were time and again rejected on the ground that the structure is under construction wherein only a temporary connection can be provided. On 27.08.2025, Abhinav submitted yet another application pursuant to which an estimate was prepared by the Junior Engineer, along with a notice to remove the unauthorised structure erected under/adjacent to the electric line of UHBVN. Moreover, not only did Abhinav refuse to receive it, he also did not submit an undertaking stating that he himself would be responsible if any mishappening was caused by the high voltage line.

He further submits that respondent No.8-Balwinder Singh, father of said Abhinav, moved a complaint before the District Grievance Committee (DGC), Kaithal which is headed by respondent No.7- Energy Minister of the State of Haryana. Addressing the same, the DGC directed that the petitioner be suspended from service and an FIR be registered against him, merely to appease the public. The DGC has no authority to pass such orders as only the Managing Director, UHBVN, being the competent authority, can make any



decisions regarding the service of the petitioner, in accordance with the applicable service rules in terms of Article 309 of the Constitution of India. Under the influence of the designation of respondent No.7, impugned communication dated 13.10.2025 (Annexure P-7) was made by Superintending Engineer directing appropriate action be taken to realise the directions issued by him.

Notice of motion.

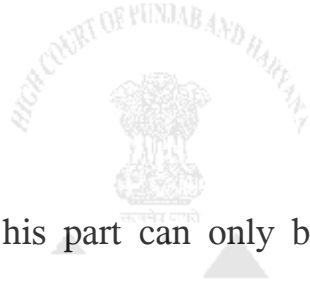
Mr. Piyush Khanna, Addl. AG, Haryana, who is present in the Court, accepts notice on behalf of respondents No.1, 3 & 4 and Mr. Prince Singh, Advocate accepts notice on behalf of respondents No.2, 5 & 6, while Mr. Vikrant Pamboo, Advocate accepts notice on behalf of respondent No.7.

Process qua respondent No.8 be issued for date fixed.

Learned counsel for respondents No.2, 5 & 6 submits that an order dated 24.10.2025 has been passed by the competent authority, suspending the services of the petitioner, which has not been challenged in the present petition.

In rebuttal, learned Senior counsel for the petitioner submits that the order dated 24.10.2025 has been passed after filing of the present petition on 14.10.2025. The said order is merely an eyewash as it has been passed with a predetermined mind, without conducting any independent assessment.

Having heard the learned counsel for the parties, it transpires that respondent No.7, in his capacity as Chairman of the DGC, received a complaint made by respondent No.8- Balwinder Singh, alleging demand of bribe by the petitioner in order to grant an electricity connection to a poultry farm. In furtherance of the same, respondent No.7 directed that the petitioner be suspended from service and an FIR be registered against him. However, admittedly, the petitioner is an employee of the UHBVN and any service



related misconduct on his part can only be inquired into by the competent authority in terms of the applicable service rules. In the case at hand, the competent authority to initiate disciplinary proceedings against the petitioner is the Managing Director, UHBVN exclusively.

Clearly, respondent No.7 does not have the authority to direct the suspension of the petitioner for any professional misconduct. Be that as it may, curiously, the Superintending Engineer, UHBVN has issued impugned communication dated 13.10.2025 (Annexure P-7) which reads as follows:

*“Subject: **Action taken as per direction given by the Hon'ble Energy Minister** Govt of Haryana during the District Grievances Committee Meeting held on dated 10/10/2025 at Kaithal.*

*In the subject cited matter, it is intimated that a meeting of District Grievances Committee Meeting at Kaithal was held on dated 10/10/2025. In the meeting, a complaint made by Sh. Balwinder Singh Village Hemu Majra was received against the agenda Point No-4 against the SDO /OP, Sub Division, UHBVN, Guhla regarding demanding bribe for released of New Poultry Farm connection. During the hearing of complaint, **Hon'ble Energy Minister issue direction to the Deputy Commissioner Kaithal to take-up the matter with the ACS /Energy in the reference of content of complaint for investigation and suspend to the officer Sh. Rahul Yadav SDO (OP) Sub Division, UHBVN, Guhla also issued direction to the Superintendent of Police to lodge FIR against Sh. Rahul Yadav SDO in the matter.** A copy of the complaint is hereby attached for reference and record.*

*This is for your kind information and **take necessary action in the compliance of direction given by Hon'ble Energy Minister, Govt. of Haryana.**”*

(emphasis added)

Since the filing of the present petition on 14.10.2025, the petitioner has been suspended from service vide order dated 24.10.2025 passed by the Under Secretary for Managing Director, UHBVNL. It is evident that the abovementioned action has been taken without following the prescribed

procedure. Moreover, nothing suggests application of mind by the competent authority before taking this step either.

Prima facie, the disciplinary action of placing the petitioner under suspension has only been motivated by the declaration made by respondent No.7, on account of the influence his designation wields. It must be noted that the complainant-Balwinder Singh moved the complaint before the DGC, which is a non-statutory body with no power to initiate any action in this regard. At the most, it can forward the complaint to the competent authority. It would be beneficial to reiterate that disciplinary proceedings possess a certain sacrosanct nature and have to be carried out strictly in terms of the prescribed procedure. The State employees are constitutionally protected by Article 309 to be governed as per the conditions of service framed by the employer. By framing service rules, the State employer has pledged to its employees a predictable coherent system that is free from the vice of arbitrariness. It is of the utmost importance that the actions of the State and its instrumentalities do not appear whimsical and fanciful lest it may erode the faith of the public in the constitutional promise of the rule of law.

Adjourned to 21.04.2026.

In the meantime, impugned communication dated 13.10.2025 (Annexure P-7) and any consequent actions arising therefrom shall remain stayed. No coercive action be taken against the petitioner in pursuance of the directions of the District Grievance Committee, Kaithal in the meeting held on 10.10.2025, till further orders.

28.10.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE