



**112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-23925-2026
Date of decision: 08.10.2026

Sunil Kumar Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Arjun Sheoran, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 07.07.2026 (Annexure P-13) passed by the District Elementary Education Officer, Hisar (respondent No.3), placing the petitioner under suspension with immediate effect, and for quashing the proposed disciplinary proceedings/draft charge-sheet initiated against the petitioner vide letter dated 03.07.2026 (Annexure P-12) and the recommendation letters dated 10.06.2026 (Annexure P-7) and dated 15.06.2026 (Annexure P-9). Further, a writ in the nature of *mandamus* is sought, directing the respondents to consider and allow the petitioner's application dated 26.11.2025 (Annexure P-3) and his representations dated 12.06.2026 and 16.06.2026 (Annexures P-8 and P-10, respectively), and to release/exempt the petitioner from Booth Level Officer (in short 'BLO') duty on compassionate grounds.

2. Learned counsel for the petitioner, *inter alia*, contends that the



petitioner is working as JBT/Executive Head Teacher at Government Model Sanskriti Primary School, Anaj Mandi, Barwala, District Hisar and has been discharging BLO duty for Booth/Part No.23 of 51-Barwala Assembly Constituency for about the last 11 years without any adverse remark. The wife of the petitioner, Smt. Sunita, expired on 23.09.2025 (Annexure P-1), leaving him as the sole caregiver of his mother, aged about 83 years (Annexure P-2), and his children. In these circumstances, the petitioner, vide application dated 26.11.2025 (Annexure P-3) addressed to the District Election Officer, Hisar, sought his release from BLO duty. The said application was favourably recommended by the Head of the Institution and the Block Education Officer, Barwala, and was forwarded for necessary action.

2.1 It is submitted that thereafter, the Electoral Registration Officer, 51-Barwala Assembly Constituency-cum-Sub Divisional Officer (Civil), Barwala (respondent No.5) appointed three teachers in succession as BLO for the very same booth, namely, Sh. Sukhbir Singh, TGT (Hindi) vide order dated 05.12.2025 (Annexure P-4), Sh. Surender Singh, JBT vide order dated 26.05.2026 (Annexure P-5) and Sh. Satish Kumar, JBT vide order dated 29.05.2026 (Annexure P-6). It is contended that no order rejecting the application of the petitioner, or requiring him to continue as BLO, was ever communicated to him and, therefore, he was led to believe in good faith that he stood relieved. Learned counsel emphasizes that only one BLO is required for a booth and the petitioner cannot be made to suffer on account of the failure of the persons appointed in his place to report for duty.

2.2 It is further pointed out that vide letter dated 10.06.2026 (Annexure P-7), respondent No.5 sought disciplinary action against the



petitioner, alleging that he was not performing BLO work properly and had remained absent from the Special Intensive Revision (in short 'SIR') training on 10.03.2026. The petitioner explained his position vide representation dated 12.06.2026 (Annexure P-8). However, vide letter dated 15.06.2026 (Annexure P-9), respondent No.5 treated him as absent, after he had been relieved from the school on 12.06.2026. The petitioner submitted a further representation dated 16.06.2026 (Annexure P-10) and a reply (Annexure P-11), pointing out that the substitute BLOs had also not reported for duty. Ignoring the same, respondent No.3, vide letter dated 03.07.2026 (Annexure P-12), directed the Block Education Officer, Barwala to prepare a draft proposal/charge-sheet against the petitioner and, vide the impugned order dated 07.07.2026 (Annexure P-13), placed him under suspension on the recommendation of respondent No.5 contained in letter No. 701-MRC-ELEC dated 16.06.2026.

2.3 The grievance of the petitioner, as urged, is that the impugned order has been passed mechanically, without application of mind and without considering his representations. It casts a stigma of 'severe negligence, insubordination and dereliction of official duties' upon him without any show-cause notice, charge-sheet or inquiry, and is, thus, punitive in nature and contrary to Rule 5 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016. It is argued that no action of any kind has been taken against the three substitute BLOs, though they too did not perform the duty, and the petitioner alone has been singled out, which renders the impugned action discriminatory and *mala fide*.

3. When the matter came up for hearing on 04.08.2026, learned State counsel sought time to obtain complete instructions. This Court, while



adjourning the matter to 19.08.2026, stayed the operation of the impugned order dated 07.07.2026 (Annexure P-13). In purported compliance, the affidavit dated 07.10.2026 of Narender Kumar, District Elementary Education Officer, Hisar, on behalf of respondents No.1 to 7, has been filed in Court, which is taken on record. Registry is directed to tag the same at an appropriate place in the file.

4. *Per contra*, learned State counsel, while referring to the affidavit, contends that the application dated 26.11.2025 (Annexure P-3) was never accepted by any formal relieving order. Reliance is placed upon the memo dated 01.10.2026 of the Sub Divisional Officer (Civil), Barwala (Annexure R-7) to submit that although three persons were appointed as BLO for Booth No.23, none of them reported to the office of the Electoral Registration Officer, nor were their names and mobile numbers updated on the ERO-NET/ECINET portal and the petitioner continued to remain mapped as BLO for the said booth. It is submitted that the Chief Electoral Officer, Haryana ordered freezing of BLO mapping with effect from 01.06.2026 and, accordingly, vide memo dated 29.05.2026 (Annexure R-1), the replaced BLOs who had not been mapped on the portal, including the petitioner, were directed to continue performing BLO duties. It is further submitted that the training was actually held on 08.02.2026 and the reference to 10.03.2026 in the earlier record was a clerical error.

4.1 It is argued that the District Election Officer, Hisar, vide letter dated 26.05.2026 (Annexure R-2), mandated 100% attendance of BLOs in the training and warned of action in case of absence. The respondent No.5, vide letter dated 12.06.2026 (Annexure R-3), recorded the absence of the petitioner



and recommended disciplinary action against him. Despite being relieved by his school on 12.06.2026, the petitioner neither reported to the election office nor collected the enumeration forms. The Principal, Government Senior Secondary School, Anaj Mandi, Barwala issued a show-cause notice dated 24.06.2026 (Annexure R-6) to him, and respondent No.5, vide letter dated 16.06.2026 (Annexure R-5), recommended his suspension and the initiation of major disciplinary proceedings.

4.2 Learned State counsel further submits that the school remained closed for summer vacation up to 30.06.2026 and, therefore, no teaching workload prevented the petitioner from performing BLO duty. It is pointed out that, during an inspection conducted on 08.07.2026, the petitioner was found to have marked his attendance in the Teacher Attendance Register for the period from 01.07.2026 to 07.07.2026 (Annexure R-4) without the permission of the competent authority. It is contended that under Rule 12(1) of the Haryana Primary School Education (Group C) District Cadre Service Rules, 2012, the petitioner was liable to serve wherever ordered. It is further contended that respondent No.3 was not competent to decide the representation dated 12.06.2026 (Annexure P-8), as the assignment of or release from BLO duty falls within the domain of the election authorities, and that suspension, being an interim measure under Rule 5 of the 2016 Rules, is not a punishment.

4.3 Lastly, it is submitted that in compliance with the interim order dated 04.08.2026, the petitioner was permitted to rejoin his duties vide order dated 18.08.2026. However, the Block Education Officer, Agroha, vide certificate dated 08.09.2026 (Annexure R-8), reported that the petitioner left the said office on 11.08.2026 without marking his departure and remained absent



from 13.08.2026 onwards.

5. In rebuttal, learned counsel for the petitioner refers to Annexure P-3 and submits that the application of the petitioner was duly recommended with a categorical observation that his household circumstances were not favourable, and was forwarded to the competent authority. In consequence thereof, three different persons were appointed as BLO for Booth No.23 on 05.12.2025, 26.05.2026 and 29.05.2026. It is submitted that if the said persons failed to report for duty, the petitioner cannot be made to suffer on account thereof, particularly when only one BLO is required for a booth. Thus, the impugned action is wholly perverse and has been taken mechanically, without application of mind.

6. On a specific query raised by this Court, learned State counsel, on instructions, submits that till date, no charge-sheet has been served upon the petitioner. It is also not disputed that the petitioner has not been paid his salary since 02.06.2026.

OBSERVATION & ANALYSIS

7. I have heard learned counsel for the parties and perused the record with their able assistance.

8. Rule 5 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016 (in short '2016 Rules'), which governs suspension, reads as under:-

“5. Suspension and withholding of emoluments.—

(1) The appointing authority or any other authority to which it is subordinate or the punishing authority or any other authority empowered in that behalf by the Governor, by general or special order, may place a Government employee under suspension where



(a) a disciplinary proceeding against him is contemplated or is pending, or

(b) a case against him in respect of any criminal offence is under investigation, inquiry or trial: or

(c) in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State:

Provided that where a Government employee against whom disciplinary proceedings are contemplated is suspended, such suspension shall not be valid, where the disciplinary proceedings are not initiated against him before the expiry of a period of ninety days from the date from which the employee was suspended:

Provided further that the competent authority in the matter may, at any time before the expiry of the said period of ninety days and after considering the special circumstances for not initiating disciplinary proceedings, to be recorded in writing and after seeking the approval of next higher authority allow continuance of the suspension beyond ninety days but not beyond one hundred eighty days without the disciplinary proceedings being initiated;

Note 1.— The order of suspension shall stand revoked, being invalid, unless the punishing authority obtains the approval of next higher authority and informs the Government employee under suspension the specific period of extension of suspension before the expiry of period of ninety days or extended period of another ninety days, as the case may be.

Note 2.— Where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

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(Emphasis added)



9. The power of suspension, though administrative in nature, visits an employee with serious civil consequences and cannot be exercised as a matter of routine or merely because the authority possesses it. A two-Judge Bench of the Hon'ble Supreme Court, in *State of Orissa v. Bimal Kumar Mohanty*, 1994(2) SCT 625, speaking through Justice K. Ramaswamy, has held 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 order 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."

(Emphasis added)

10. Likewise, in *Union of India v. Ashok Kumar Aggarwal, 2014(2) SCT 70*, another two-Judge Bench of the Hon'ble Supreme Court, speaking through Justice Dr. B.S. Chauhan, after an exhaustive survey of the law, has summarized the principles governing the power of suspension in the following terms:-

"9. The power of suspension should not be exercised in an arbitrary manner and without any reasonable ground or as vindictive misuse of power. Suspension should be made only in a case where there is a strong prima facie case against the delinquent employee and the allegations involving moral turpitude, grave misconduct or indiscipline or refusal to carry out the orders of superior authority are there, or there is a strong prima facie case against him, if proved, would ordinarily result in reduction in rank, removal or dismissal from service. The authority should also take into account all the available material as to whether in a given case, it is advisable to allow the delinquent to continue to perform his duties in the office or his retention in office is likely to hamper or frustrate the inquiry.



10. In view of the above, the law on the issue can be summarised to the effect that suspension order can be passed by the competent authority considering the gravity of the alleged misconduct i.e. serious act of omission or commission and the nature of evidence available. **It cannot be actuated by mala fide, arbitrariness, or for ulterior purpose.** Effect on public interest due to the employee's continuation in office is also a relevant and determining factor. The facts of each case have to be taken into consideration as no formula of universal application can be laid down in this regard. However, suspension order should be passed only where there is a strong prima facie case against the delinquent, and if the charges stand proved, would ordinarily warrant imposition of major punishment i.e. removal or dismissal from service, or reduction in rank etc.

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41. In *State of U.P. & Ors. v. Maharaja Dharmander Prasad Singh & Ors.*, 1989(2) R.R.R 31 : AIR 1989 Supreme Court 997, this Court held that **the order must be passed by the authority after due application of mind uninfluenced by and without surrendering to the dictates of an extraneous body or an authority.**”

(Emphasis added)

11. Adverting to the facts of the present case, it is not in dispute that the petitioner, a widower and the sole caregiver of his aged mother, sought release from BLO duty vide application dated 26.11.2025 (Annexure P-3), which was favourably recommended by his superiors. The respondents themselves, in the memo dated 01.10.2026 of the Sub Divisional Officer (Civil), Barwala (Annexure R-7), on which the affidavit is founded, have admitted that the substitute BLOs were appointed pursuant to the said application. The relevant portion of the said memo reads as under:-



“b) Status of Relieving Order and Subsequent Deployment of BLOs

*It is clarified that the representation dated 26.11.2025 submitted by the petitioner, Shri Sunil Kumar, JBT, GSSSS Anaj Mandi, Barwala, seeking release from Booth Level Officer (BLO) duties on compassionate grounds, was not accepted or approved by this office through any formal relieving order. **However pursuant to the Petitioners application dated 26.11.2025, Shri Sukhbir Singh was appointed as BLO for Booth No.23 on 05.12.2025. Subsequently, Shri Surender Singh, JBT, was appointed as BLO for Booth No.23 vide order dated 26.05.2026, and thereafter Shri Satish Kumar was appointed as BLO vide order dated 29.05.2026.***

*It is pertinent to clarify that although Shri Sukhbir Singh, Shri Surender Singh and Shri Satish Kumar were successively appointed as BLOs for Booth No. 23, **none of them reported to the office of the Electoral Registration Officer (ERO) 51-Barwala assembly constituency nor was their name and mobile number updated on the ERO- NET/ECINET portal as none of the three changed BLO gave their mobile number and Epic number** as they are mandatory documents to change BLO on the EROnet/Ecinet.*

Although Booth No. 23 was assigned to other teachers through subsequent orders, no formal order or administrative approval relieving Shri Sunil Kumar from his statutory election duties was issued by this office, as per the official records.

It is further submitted that, up to 29.05.2026, none of the substitute BLOs had joined or assumed charge of Booth No.23 on the ERO-NET/ECINET portal. As per the ERO-NET records, Shri Sunil Kumar continued to remain mapped as BLO for Booth No.23 from 05.12.2025 onwards.

Further, messages/instructions were received from the Chief Electoral Officer, Haryana, regarding freezing of the BLO



mapping on the ERO-NET/ECINET portal with effect from 01.06.2026. Accordingly, all BLOs in the 51-Barwala Assembly Constituency who had been replaced through various orders but had not joined or been mapped on the ERO-NET/ECINET portal, including Booth Nos. 23, 110, 111, 123, 129, 136 and 160, were directed vide this office letter No.112-115 dated 29.05.2026 to continue performing BLO duties in the interest of the Special Intensive Revision (SIR) work, as they continued to be shown as BLOs on the ERO-NET/ECINET portal.”

(Emphasis added)

12. A bare perusal of the aforesaid memo shows that the respondents are blowing hot and cold in the same breath. On the one hand, it is claimed that the petitioner was never relieved, while on the other, it is admitted that three teachers were successively appointed in his place on his own application. The failure of the substitute BLOs to report for duty, or to furnish their mobile and EPIC numbers for updating the portal, is a lapse attributable to them and to the election machinery, which was bound to ensure compliance with its own orders. Such failure cannot, by any stretch of imagination, be fastened upon the petitioner. Curiously, on the very same day, that is, 29.05.2026, respondent No.5 appointed Sh. Satish Kumar as BLO for Booth No.23 vide order (Annexure P-6) and also directed, vide memo (Annexure R-1), that the petitioner shall continue as BLO for the same booth. The memo dated 29.05.2026 (Annexure R-1) is addressed to the Block Education Officers and other heads of offices, and nothing has been placed on record to show that it was ever communicated to the petitioner. The confusion, if any, was entirely of the respondents' own making. In these circumstances, this Court is of the considered view that the stand taken in the affidavit is wholly disingenuous.



13. Even the factual foundation of the impugned suspension order is shaky. One of the principal allegations against the petitioner is that he did not attend the SIR training. In the letter dated 10.06.2026 (Annexure P-7), the training is stated to have been held on **10.03.2026**. The memo dated 01.10.2026 (Annexure R-7) now terms that date a clerical error and states that no training was held on 10.03.2026; rather the same was held on **08.02.2026**. Yet the very letter dated 16.06.2026 (Annexure R-5), on whose recommendation the impugned order has been passed, alleges that the petitioner did not attend the BLO training on **10.06.2026**. Thus, the respondents have given three different dates for the very same default. Moreover, the respondents themselves admit that none of the three substitute BLOs attended the training held on 08.02.2026, yet nothing has been placed on record to show that any action was taken against any of them. Such selective treatment, coupled with the inability of the respondents to even state the date of the alleged default, reflects a complete non-application of mind.

14. What tilts the scales decisively in favour of the petitioner is that, by the time the impugned order came to be passed, he was no longer the BLO for Booth No.23. The letter dated 16.06.2026 (Annexure R-5) itself records that ‘to avoid any complexity in future he has been replaced by some other employees as BLO’, and the memo dated 01.10.2026 (Annexure R-7) confirms that a fresh BLO was appointed in place of the petitioner vide Order No.133 dated 16.06.2026. Despite this, three weeks later, respondent No.3 placed the petitioner under suspension on 07.07.2026 for not performing the very duty from which he already stood replaced. There was no inquiry that the petitioner could impede, no record he could tamper with and no witness he could



influence. The suspension was, therefore, not ‘a step in aid’ of any inquiry, as contemplated in ***Bimal Kumar Mohanty (supra)***, and could only have been intended to punish him.

15. Further, the letter dated 16.06.2026 (Annexure R-5) expressly requests that the petitioner be placed under suspension, and the impugned order (Annexure P-13) has been passed ‘on recommendation’ of the said letter, reproducing its allegations verbatim. Respondent No.3 has not adverted to the representations of the petitioner (Annexures P-8, P-10 and P-11) at all, and has gone so far as to state in his affidavit that he was not competent to decide the representation dated 12.06.2026 (Annexure P-8). It is, thus, evident that respondent No.3 surrendered his discretion to the dictates of respondent No.5, in the teeth of the law laid down in ***Ashok Kumar Aggarwal (supra)***. The impugned action, taken against a bereaved employee for a default which was not his own and for a duty from which he already stood replaced, is not only arbitrary but also appears to be *mala fide*. The show-cause notice dated 24.06.2026 (Annexure R-6), issued by the Principal after the petitioner had already been replaced, does not support the case of the respondents in any manner.

16. The respondents, in their affidavit, have also sought to justify the impugned order on the grounds that the petitioner marked his attendance in the school register from 01.07.2026 to 07.07.2026 without permission (Annexure R-4) and that he remained absent from the office of the Block Education Officer, Agroha from 13.08.2026 onwards (Annexure R-8). Neither ground finds mention in the impugned order dated 07.07.2026 (Annexure P-13). It is trite law that the validity of an order must be judged by the reasons mentioned



therein, and the same cannot be supplemented by fresh reasons. A Constitution Bench of the Hon'ble Supreme Court, in *Mohinder Singh Gill v. Chief Election Commissioner, New Delhi, (1978) 1 SCC 405*, speaking through Justice V.R. Krishna Iyer, has held as under:-

“8. The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds later brought out. We may here draw attention to the observations of Bose, J. in Gordhandas Bhanji:

‘Public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to affect the actings and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself.’

Orders are not like old wine becoming better as they grow older.”

(Emphasis added)

17. Even otherwise, the said grounds are wholly devoid of merit. The petitioner stood replaced as BLO on 16.06.2026 and the school reopened after the summer vacation, which ended on 30.06.2026. Marking his attendance in his own school as Head Teacher from 01.07.2026 onwards cannot, by any standard, be termed misconduct. As regards the alleged absence from Agroha, the operation of the impugned order, which fixed the headquarters of the



petitioner at the office of the Block Education Officer, Agroha, stood stayed by this Court on 04.08.2026. The respondents permitted the petitioner to rejoin his duties only vide order dated 18.08.2026 and now seek to attribute to him the period of his absence from the headquarters fixed under the very order, the operation of which had already been stayed by this Court. Instead of promptly giving effect to the interim order passed by this Court, the respondents have sought to rely upon the consequences of their own delayed compliance to the detriment of the petitioner. Such conduct cannot be countenanced and is hereby deprecated.

18. Furthermore, the first proviso to Rule 5(1) of the 2016 Rules mandates that where a Government employee is suspended in contemplation of disciplinary proceedings, the suspension shall not be valid if the disciplinary proceedings are not initiated against him within ninety days from the date of suspension. The petitioner was placed under suspension on 07.07.2026, and the period of ninety days expired on 05.10.2026. Admittedly, no charge-sheet has been served upon him till date, and the letter dated 03.07.2026 (Annexure P-12) merely directs the preparation of a draft proposal/charge-sheet. Nor has any extension of the suspension been granted under the second proviso. The impugned order, therefore, has also ceased to be valid by operation of the 2016 Rules themselves.

19. The letter dated 03.07.2026 (Annexure P-12), directing the preparation of a draft proposal/charge-sheet against the petitioner for 'wilful absence' and 'insubordination', rests upon the very allegations that have been found to be unfounded hereinabove. The petitioner had sought release from BLO duty on genuine grounds, three substitutes were appointed in his place,



the default, if any, lay with those substitutes and with the election machinery, the respondents are unable to state the date of the training allegedly missed, and the petitioner stood replaced on 16.06.2026. In these circumstances, permitting the disciplinary proceedings to continue would amount to an abuse of the process and would only prolong the harassment of the petitioner. Since the replacement of the petitioner as BLO vide Order No.133 dated 16.06.2026 has already been admitted (Annexure R-7), the prayer for his release from BLO duty does not survive for adjudication. However, the respondents ought to bear in mind the circumstances of the petitioner whenever such duty is assigned to him in future.

20. This Court cannot remain oblivious to the manner in which the petitioner has been treated by the respondents. A teacher who had lost his wife and was left to care for his aged mother and children sought release from additional election duty through the proper channel. Instead of deciding his application, the respondents appointed one substitute after another without ensuring that any of them actually joined. They then held the petitioner responsible for the default of others, replaced him, and thereafter suspended him for a duty he no longer held, on an allegation of missing a training whose date they themselves cannot state. Even before this Court, respondent No.3 has, rather than owning up to the lapses, sought to justify the impugned action with fresh grounds which find no mention in the impugned order. Respondent No.3, as the disciplinary authority, acted at the bidding of respondent No.5, without applying his own mind, and respondent No.5 issued contradictory orders and set the entire process in motion. The petitioner has been compelled to approach this Court and has remained without his salary since 02.06.2026. The conduct



of the District Elementary Education Officer, Hisar and the Electoral Registration Officer, 51-Barwala Assembly Constituency-cum-Sub Divisional Officer (Civil), Barwala is, therefore, deprecated in the strongest terms, and this Court deems it appropriate to burden them with costs.

21. The record further reveals that the entire controversy arose from a lack of coordination within the election machinery, where substitute BLOs were appointed on paper without their joining and portal mapping being ensured, and the outgoing BLO was never told in writing whether he stood relieved. Annexure R-7 itself shows that the same position prevailed for Booth Nos. 23, 110, 111, 123, 129, 136 and 160 of the 51-Barwala Assembly Constituency. Such a state of affairs is likely to recur unless corrective steps are taken at the district level.

CONCLUSION

22. In view of the foregoing discussion, the present petition stands **allowed** in the following terms:

- a. The impugned suspension order dated 07.07.2026 (Annexure P-13) and the letter dated 03.07.2026 (Annexure P-12), directing the preparation of a draft proposal/charge-sheet against the petitioner, along with all proceedings consequent thereupon, are hereby quashed and set aside.
- b. The period during which the petitioner remained under suspension shall be treated as period spent on duty for all intents and purposes, and the petitioner shall be entitled to full pay and allowances for the said period, as well as the salary withheld, after adjusting the subsistence allowance, if any, already paid to him. The entire amount shall be released to the



petitioner within a period of **four weeks** from the date of receipt of a certified copy of this order.

- c. Since the petitioner already stands replaced as BLO, the respondents/competent authorities shall, before assigning any BLO duty to the petitioner in future, consider his application dated 26.11.2025 (Annexure P-3) and his personal circumstances, and pass a reasoned and speaking order.
- d. The Deputy Commissioner-cum-District Election Officer, Hisar (respondent No.6) shall ensure that whenever a BLO is replaced in District Hisar, the order of replacement specifically states whether the outgoing BLO stands relieved and is communicated to him in writing, and that the joining and portal mapping of the substitute BLO are completed by the Electoral Registration Officer concerned within a reasonable time.
- e. A copy of this order be sent to the Chief Electoral Officer, Haryana for information and for issuance of such instructions to all Electoral Registration Officers in the State as may be deemed appropriate.
- f. Costs of ₹50,000/- are imposed upon the District Elementary Education Officer, Hisar (respondent No.3) and the Electoral Registration Officer, 51-Barwala Assembly Constituency-cum-Sub Divisional Officer (Civil), Barwala (respondent No.5), to be borne by them in equal shares for unnecessarily consuming the valuable time of this Court. The aforesaid amount shall be deposited with the High Court Legal Services Committee within a period of **four weeks** from the date of receipt of a certified copy of this order.

23. Pending miscellaneous application(s), if any, shall also stand disposed of.
24. A copy of this order shall also be supplied to the learned State Counsel for necessary information and compliance.

(HARPREET SINGH BRAR)
JUDGE

08.10.2026
Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No