

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

CWP No. 20295 of 2015
Date of decision: 23.09.2015

Som Nath Kanoujia

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Rohit Ahuja, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the show cause notice dated 23.07.2015 (Annexure P-2) issued by respondent no. 2-District and Sessions Judge, Jalandhar. Challenge has been raised on the ground that the petitioner retired as Translator on 30.09.2011 and the allegations pertain to his service of July 2004 regarding case property which was produced by the police in the Court and his responsibility to place it on the relevant file by making necessary entry in the record.

Further reliance has been placed upon Rule 2.2(b) of the Punjab Civil Services Rules, Vol. 2, Part II and various judgments of Division Bench of this Court in *Sub Inspector Puran Chand (Retd.) vs. State of Punjab and others, 2000 (3) SCT 515*; *Gurdev Singh vs. State of Punjab and others, 2004 (3) SCT 205* and *Baldev Singh vs. State of Punjab and others, 2008 (4) SCT 652* to submit that the said misconduct or negligence was 7 years' prior to his retirement and a period of almost 4 years has expired after his retirement.

A perusal of the paper book would go on to show that apart

from various replies submitted for supply of documents etc., a specific objection has been filed on 10.09.2015 (Annexure P-9) bringing to the notice of respondent no. 2 the bar under Rule 2.2(b) of the Punjab Civil Services Rules.

In such circumstances, this Court is of the opinion that the present writ petition at this stage is premature since the said respondent is to decide on the said issue.

Accordingly, the present writ petition is disposed of with a direction to respondent no. 2 to take into consideration the objections regarding Rule 2.2(b) as to whether any action can be taken against the petitioner on account of the alleged legal bar and the settled position of law and decide the same within a period of 2 months from the date of receipt of certified copy of the order. Needless to say if any adverse order is passed against the petitioner, it will be always open to him to challenge the same afresh before this Court.

23.09.2015
shivani

(G.S. SANDHAWALIA)
JUDGE