

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

**CWP No.3670 of 2015
Decided on : 03.11.2015**

Sant Singh Gill

... Petitioner

Versus

State of Punjab and another

... Respondents

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

Present : Mr. P.K. Garg, Advocate
for the petitioner.

Mr. H.S. Sethi, Addl. AG, Punjab.

G.S. Sandhawalia , J. (Oral)

The petitioner seeks the quashing of the order dated 29.10.2013 (Annexure P-3) vide which the impugned charge-sheet issued under Rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules 1970. Reliance has been placed on the instruction dated 16.03.2001 (Annexure P-7) and the letter dated 02.08.2007.

The petitioner has been charged for not looking after the paddy for the year 2009-10 and not having conducted the physical verification of the paddy stored at M/s Guru Rice Mill Chunga (Bhadaur). Accordingly, a loss of Rs.1.42 crore has been allegedly suffered by the respondents.

Admittedly, inquiry has already been held as per the written statement filed, but the Inquiry Officer has found that more employees were involved, who are equally responsible for the loss caused to the Government as per inquiry report (Annexure R-2)

which has also been supplied to the petitioner for his comments and objection.

The case of the State is that other two employees who are not charge-sheeted, were also to be charge-sheeted as their involvement has come to light.

In such circumstances, at this stage the charge-sheet cannot be interfered with. It is expected from the respondents that they will ensure that the said inquiry is completed at the earliest stage, since the petitioner would be adversely affected on account of his superannuation. It is settled principle that charge-sheet is not to be interfered with until there are malafides which is not the case of the petitioner. Accordingly, the scope of interference is limited to quash the charge-sheet, as the inquiry is yet to be concluded.

Accordingly, the present writ petition is disposed of with the observations that the inquiry proceedings be concluded expeditiously, preferably within a period of 8 months from the receipt of the certified copy of this order.

It is always open to the petitioner to raise his pleas before the punishing authorities, in case of any adverse finding coming against him in the enquiry proceedings.

NOVEMBER 03, 2015

Naveen

**(G.S. SANDHAWALIA)
JUDGE**