

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 10133 of 2014 (O/M)
Date of decision : 1.8.2016

Ramesh Kumar Mehra

..... Petitioner (s)

Versus

Haryana State Federation of Consumers Co-Operative Wholesale Stores
Ltd. (CONFED)

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Namit Kumar, Advocate, for the petitioner.

Mr. Amit Jaiswal, Advocate, for respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

It comes out that during service of the petitioner, he was issued some chargesheets (Annexures-P-1, P-3 to P-5). The petitioner retired from service on 30.11.2013. Thereafter, he was served with four more chargesheetes on 2.1.2014, 8.1.2014, 22.1.2014 and 29.1.2014 (Annexures-P-9 to P-12). The petitioner has challenged the said chargesheets (Annexures-P-9 to P-12) on the ground that there was no provision in the CONFED Staff Regulation to hold disciplinary proceedings after the retirement of an employee. However, it comes out that an amendment was made to make provision in the Rules of the department on 25.4.2013, virtually incorporating Rule 2.2 (b) of the Punjab Civil Services Rules, Volume-I, Chapter-I, wherein the department could initiate disciplinary proceedings after the retirement also.

It being so, the chargesheets dated 2.1.2014, 8.1.2014,

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22.1.2014 and 29.1.2014 (Annexure-P-9 to P-12) cannot be set aside on the ground that there is provision in the rules to hold disciplinary proceedings after the retirement of the employee. It also comes out that the departmental proceedings in chargesheets dated 28.12.2010, 20.7.2012, 17.9.2013, 17.9.2013 (Annexures-P-1, P-3 to P-5) have also been concluded.

The short prayer of the learned counsel for the petitioner is that in view of new development, noted above, the department may be directed to concluded the disciplinary proceedings in a time bound manner.

The departmental proceedings in chargesheets dated 28.12.2010, 20.7.2012, 17.9.2013, 17.9.2013 (Annexures-P-1, P-3 to P-5) have already been concluded and it is expected that the department will take final decision on the same expeditiously. However, regarding the remaining chargesheets, the time of six months in concluding the chargesheets, which pertain to the year 2014, seems to be reasonable. As such, the present writ petition is disposed of with a direction to the respondent to conclude the remaining pending inquiries against the petitioner within a period of six months. Needless to say that in case of adverse order, the petitioner will be entitled to alternate remedy available under the law. The respondent is also directed to pass a speaking order regarding the release of the retiral benefits to the petitioner within two months.

(KULDIP SINGH)
JUDGE

1.8.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No