

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

Date of decision:04/07/2016.

Balwinder Singh

.....Petitioner

VS

State of Punjab and others

.....Respondent

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.GPS Bal,Advocate for the petitioner.

Jaswant Singh,J(Oral)

Petitioner-Balwinder Singh is working as a Senior Clerk in the State Transport Department,Punjab. His date of superannuation would arrive on 31.10.2017. The petitioner alongwith his colleagues Sucha Singh,Randhir Singh and Gurmit Singh, who were working as Junior Assistants were issued a charge sheet on 10.10.2007 for imposition of major penalty under Rule 8 of the Punjab Civil Service (Punishment and Appeal Rules)1970. The common charges are that (i) they had mischievously replaced and altered service books of some of the employees so as to give them benefit of increments by suppressing recorded punishments and (ii) as a consequence various amounts as arrears of increments to such employees were paid and thus causing loss to State exchequer.

It is averred that the first Inquiry Officer was appointed on 11.12.2008 and after conduct of certain proceedings, a second Inquiry

Officer was appointed on 18.3.2009 and thereafter a third one has been

appointed on 28.4.2015. It is claimed that all the aforesaid delinquent officials including petitioner have appeared before the three Inquiry Officers and yet no substantial progress has ever been made by any of the Inquiry Officers. It is also submitted that FIR No.60 dated 6.12.2005 6.12.2005 based on the same allegations was also lodged by the Vigilance Bureau for offences under Sections 461,467,471,120-B IPC and Section 13(2) of Prevention of Corruption Act in which all the officials including petitioner stand discharged by learned Additional Sessions Judge,SBS Nagar vide order dated 16.7.2014 for non-grant of sanction to prosecute by the Department. It is averred that co-employees i.e. Sucha Singh stands retired on 31.10.2008, Randhir Singh stands retired on 31.5.2009 while Gurmit Singh stood retired in the year 2010 and their retiral benefits have been withheld due to pendency of the present inquiry for major penalty.

The present petition under Article 226 of the Constitution has been filed seeking a mandamus to the official respondents to conclude the inquiry pending since more than 8½ years. It is further contended that there is a report at P-2 which reveals that factually no excess amount was released to any of the employees and thus no loss has been caused to the State exchequer apart from the fact that the matter has been pending since long.

On the directions of the Court, Mr.Harkesh Manuja, Additional Advocate General,Punjab accepts notice. Copy of writ petition supplied to him.

Keeping in view the the fact that inquiry has been kept pending for more than 8½ years and the evidence in the same is based primarily on documents, it is deemed appropriate in the interest of justice to dispose of

the present petition with a direction to the authorities concerned to decide the pending disciplinary proceedings within six months from today failing which the entire proceedings including charge sheet would stand lapsed.

Disposed of in the above terms.

04.07.2016
joshi

(Jaswant Singh)
Judge