

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

Civil Writ Petition No.522 of 2014

Date of decision: 8.1.2016

Balwinder Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.V.K.Shukla, Advocate,
for the petitioner.

Mr.Nikhil K. Chopra, DAG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

Indisputably, the charge sheet relates to an incident which occurred in the year 1995-96 and the petitioner retired from service on reaching the age of superannuation on 31.7.2010. Thereafter, on 10.12.2013, the petitioner was served a charge sheet for committing misconduct of getting his presence marked as a regular candidate in M.PEd course while his attendance in the office was also marked for the same days. The petitioner sought to pursue M.PEd course through correspondence mode. However, he did it through regular mode and this is the reason for issuance of the charge sheet.

Without going into the conduct of the petitioner, this writ petition is allowed on the short ground that the procedure specified in rule 2.2(b) of PCS, Volume-II, Part-II have been breached as the incident relates to 4 years prior to retirement. On equity as well, the charge sheet was issued after nearly 3 years from the date of retirement and it would neither be fair nor proper to disturb the pensioner at this distance of time in a matter of gaining higher qualifications.

(RAJIV NARAIN RAINA)
JUDGE

January 8, 2016
Paritosh Kumar