

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

**CWP No. 9722 of 2014
Date of Decision:- 09.02.2016**

R.D. Bansal

....Petitioner

Versus

**Haryana State Federation of Consumers Co-operative Wholesale
Stores Ltd.**

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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

**Mr. Amit Jaiswal, Advocate
for the respondent.**

RITU BAHRI, J. (Oral)

Present writ petition has been filed under Articles 226/227 of the Constitution of India seeking quashing of charge-sheet dated 18.10.2012 (Annexure P-28) as there is no provision under the Staff Service Rules of The Haryana State Federation of Consumer's Cooperative Wholesale Stores Ltd., 1975 (hereinafter to referred as 'the Rules, 1975') to charge-sheet or hold disciplinary proceedings against a retired employee as per judgments of this Court (Annexures P-32 & P-36) and directions to the respondents to expedite and finalize the disciplinary proceedings initiated pursuant to the Charge-sheets dated 02.03.2005 (Annexure P-1),

05.02.2009 (Annexure P-7), 17.03.2009 (Annexure P-10), 20.07.2009 (Annexure P-14), 19.01.2010 (Annexure P-20) and 28.12.2010 (Annexure P-23) and further directions to release all the retiral dues as per law and not to withhold ACPs merely on account of the charge-sheets.

Learned counsel for the petitioner states that the petitioner was retired on 30.09.2011 and at the time of retirement some charge-sheets were pending against him. One charge-sheet was issued after his retirement on 18.10.2012 (Annexure P-28), which is legally not permissible. During the pendency of this petition, charge-sheet dated 21.10.2005 (Annexure P-1) has been finalized, vide order dated 17.07.2014 (Annexure P-34) and some recovery has been sought from the petitioner. Another charge-sheet dated 28.12.2012 (Annexure P-23) has also been finalized with a recovery of ₹4.25 crores against the petitioner, vide order dated 28.04.2015 (Annexure P-35). As para No.3 of the replication, the following charge-sheets were pending:-

	<i>Date of Charge-Sheet</i>	<i>Annexure in the Writ Petition</i>	<i>Issued before or after retirement</i>
i)	05.02.2009	Annexure P-7	Before retirement
ii)	17.03.2009	Annexure P-10	Before retirement
iii)	20.07.2009	Annexure P-14	Before retirement
iv)	19.01.2010	Annexure P-20	Before retirement
v)	18.10.2012	Annexure P-28	After retirement

The dispute in the present writ petition which requires for consideration is that whether charge-sheet can be issued after the retirement.

Identical view has already been decided by this Court by way

of CWP No.1873 of 2014 titled **Jogi Ram Vs. Haryana State Federation**

of Consumer's Co-operative Wholesale Stores, decided on 23.05.2014

(Annexure P-36), wherein, it was held that there is no provision in the Rules 1975 as to the issuance of charge-sheet or imposing a penalty upon an employee after retirement. The similar view was also gone before the Hon'ble Supreme Court in case **Chandra Singh Vs. State of Rajasthan and another, 2003(6) SCC 545** and this Court in **S.S. Arya Vs. Uttar Haryana Bijli Vitran Nigam, Panchkula and others, 2009(8) SLR 53.**

In view of the facts and law position as mentioned above, the present petition is allowed and the impugned charge-sheet dated 18.10.2012 (Annexure P-28) is set aside. Further direction is given to the respondent to conclude the proceedings in the charge-sheets dated 05.02.2009 (Annexure P-7), 17.03.2009 (Annexure P-10), 20.07.2009 (Annexure P-14) and 19.01.2010 (Annexure P-20), within a period of six months.

However, on finalization of the said charge-sheets, the petitioner shall be at liberty to claim his retiral benefits in accordance with law.

February 09, 2016
naresh.k

(**RITU BAHRI**)
JUDGE