

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.14949 of 1994 (O&M)

Date of decision: 06.03.2017

Bhim Sain

.... Petitioner

Vs.

Food Corporation of India & anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. J.S.Wasu, Advocate
for the petitioner.

None for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

It is beyond the pale of doubt that this case is indeed covered by the ratio of the decision rendered in a batch of seven cases decided by the Division Bench of this Court by common judgment and order dated 06.05.1994 passed in ***CWP No.13008 of 1993*** titled ***Dalip Singh vs. Food Corporation of India***, which has been allowed on the very same point agitated in this case. The charge-sheets and the inquiry proceedings have been quashed by reason of long delay in issuing them and thereby causing great prejudice to the charged officials. The other case i.e. ***CWP No.11058 of 1993*** titled as ***Kamlesh Kumar Jindal vs. Food Corporation of India etc.*** was also allowed on December 13, 1995 by the same process of reasoning. The present case was left as a straggler and could not be decided with those cases all of which relate to the the same Corporation and therefore requires same treatment.

Learned counsel for the petitioner has also produced copy of the judgment passed by the learned Single Bench in *CWP No.6075 of 1992* titled *Ram Das vs. Food Corporation of India & anr.* decided on September 13, 2013 to fortify his case on the point of prejudice caused by inordinate delay of years together in initiating departmental proceedings by the respondent Corporation raking up incidents of misconduct alleged to have been committed in the remote past. In this case, there is a delay of about ten years in issuing the charge-sheet for an incident which occurred in the year 1984. The delay is culpable and leaves a person without proper remedy, reasonable defence which may be denied by inevitable failure in accessing original record, not to speak of witnesses no longer available to testify. After a lapse of ten years a person has a legitimate expectation that he did no wrong sufficient to invite the wrath of penalty proceedings.

In these special facts and circumstances and abiding by the law stated in the cases above noticed, I will allow the petition and quash the charge-sheet dated November 1, 1993 (Annex P-2) and the departmental proceedings based on it, which never reached conclusion due to Court intervention by way of stay of enquiry proceedings on October 12, 1994, which is twenty three years ago.

(RAJIV NARAIN RAINA)
JUDGE

06.03.2017

sonia

1. Whether speaking/reasoned?

Yes

2. Whether reportable?

No