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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 17186 of 2007 (O/M)
Date of decision : 7.3.2017

Gurdial Singh

..... Petitioner (s)

Versus

Punjab State Civil Supplies Corporation Limited and others

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Amrik Singh and Mr. Munish Gupta, Advocates,
for the petitioner.

Mr. Aman Chaudhary and Mr. R.S. Dadwal, Advocates,
for respondents No. 1 and 2.

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)

The petitioner, who was working as a Sub Inspector with respondent-Corporation, retired from service on attaining the age of superannuation on 31.1.2007. It comes out that the petitioner was served with a chargesheet, endorsed on 18.6.2002 (Annexure-P-1) under Rule 8 of the Punjab Civil Services (Punishment and Appeals) Rules, 1970, regarding some acts done in the years 1984 and 1985. The petitioner submitted reply to the said chargesheet on 11.7.2002 (Annexure-P-2). The petitioner did not challenge the said chargesheet at that time. Thereafter, vide order dated 22.10.2007 (Annexure-P-3), an inquiry officer was appointed. It is thereafter that the petitioner moved the present writ petition challenging the said chargesheet and the appointment of the inquiry officer. It also comes out that vide order dated 19.5.2008, passed by this Court, further

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proceedings before the inquiry officer were stayed.

I have heard the learned counsels for the parties and have also carefully gone through the file.

The prayer of the petitioner in the present writ petition is for quashing the chargesheet endorsed on 18.6.2002 (Annexure-P-1) and the order dated 22.10.2007 (Annexure-P-3), appointing inquiry officer, on the ground of undue delay regarding acts done in the years 1984 and 1985 and keeping the chargesheet pending for five years and appointing the inquiry officer in the year 2007 only after the retirement of the petitioner.

The learned counsel for the petitioner, Mr. Munish Gupta, Advocate, has relied upon the authority of the Hon'ble Supreme Court of India in P.V. Mahadevan Versus MD, T.N. Housing Board, (2005) 6 Supreme Court Cases 636. The perusal of the said authority shows that the chargesheet in the said case was issued in the year 2000 regarding act done in the year 1990. The petitioner challenged the same in the year 2000 without any delay. However, in the present case, the chargesheet issued in the year 2002 was never challenged until the inquiry officer was appointed in the year 2007.

The learned counsel for the petitioner, Mr. Amrik Singh, Advocate, has relied upon the authority of the Hon'ble Supreme Court of India in Dev Prakash Tewari Versus U.P. Cooperative Institutional Service Board, Lucknow and others, 2014 (7) SCC 260, which pertain to a case where the Uttar Pradesh Co-operative Employees Service Regulations, 1975, were applicable, whereas in the present case, the chargesheet was issued under the Punjab Civil Services (Punishment and Appeal) Rules, 1970, wherein there is provision of taking action even after retirement of an

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employee.

On the other hand, the learned counsels for respondents has placed reliance upon the authority of the Apex Court in Union of India and another Versus Kunisetty Satyanarayana, (2006) 12 Supreme Court Cases 28, wherein the Apex Court has taken the view that ordinarily the Court should not entertain the petition to quash the chargesheet. It is to be done if the chargesheet or the show cause notice is without jurisdiction or otherwise wholly illegal.

After considering the facts and circumstances coupled with the fact that the chargesheet was challenged after five years of the issuance of the same, I am of the view that let the inquiry be completed and the inquiry officer submit the report. If adverse report is submitted and adverse order is passed against the petitioner, the petitioner will be entitled to challenge the same. There is no ground to quash the chargesheet and appointment of inquiry officer at this stage. Therefore, the present writ petition is dismissed. Respondents are directed to complete the entire inquiry proceedings within six months from the date of receipt of certified copy of this order.

(KULDIP SINGH)
JUDGE

7.3.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No