

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-105-2017 (O&M)

Date of Decision: January 23, 2017

Padam Singh

.....Appellant

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.H.C.Arora, Advocate
for the appellant.

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SURYA KANT, J.

CM-205-LPA-2017

For the reasons mentioned in the application, the same is
allowed and delay of 53 days in filing the appeal is condoned.

CM stands disposed of.

LPA-105-2017

Notice of motion.

[2] On our asking, Mr.Deepak Balyan, Addl.AG, Haryana, who is

present in Court, accepts notice on behalf of the respondents. Let three sets of paper-book be handed over to him during the course of day.

[3] In view of the nature of the order, which we propose to pass, there is no need to seek any reply-affidavit from the official respondents at this stage.

[4] The appellant raised two-fold grievances in his writ petition, namely, that (i) chargesheet served on him after retirement was barred under Rule 2.2(b) of the Punjab Civil Service Rules, Volume-2 (as applicable to the State of Haryana); and (ii) it is imperative upon the Disciplinary Authority firstly to consider his reply to the chargesheet and then decide as to whether or not further proceedings are required to be conducted against him?

[5] Learned Single Judge has decided the first issue against the appellant and in our opinion rightly so as the chargesheet cannot be quashed at this stage. However, on the second point also learned Single Judge has declined to issue the desired direction. In our considered view, if the appellant has taken a categorical stand in his reply to the chargesheet that he was not posted at Hansi at the relevant time or that none of the incriminating actions are attributable to him, it would be expedient to direct the Disciplinary Authority firstly to consider the appellant's reply to the chargesheet to find out whether there is any legal necessity to proceed with the enquiry against him.

[6] We thus allow this appeal in part and modify the order under appeal with a direction to the Disciplinary Authority to consider the

appellant's reply to the chargesheet with reference to the plea of innocence taken by him and take an appropriate decision preferably within a period of two months from the date of receipt of a certified copy of this order.

**(SURYA KANT)
JUDGE**

January 23, 2017
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |