

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

Sr. No.237

**Civil Writ Petition No.7310 of 2016
DECIDED ON: September 05, 2018**

GURMEET SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. G.S. Bal, Senior Advocate with
Mr. Harmanpreet Kaur, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought an issuance of a writ in the nature of certiorari for quashing the impugned charge sheet dated 15.07.2014 (P-3) having been issued in violation of Rule 2.2(b) of Punjab Civil Services, Vol.II. WITH FURTHER direction to the respondents to take immediate final decision in the matter in which inquiry proceedings have been completed and release withheld pensionary benefits.

Civil Writ Petition No.7310 of 2016

2. It has been abundantly argued by learned counsel for the petitioner that issuance of the chargesheet dated 15.07.2014 (P-3) is absolutely against the settled canons as well as Service Rules and is violative of Rule 2.2(b) of Punjab Civil Services Rules, Vol.II, having been issued after the expiry of a period of more than four years from the alleged event.

3. On the other hand, the contention of learned State counsel is that petitioner stood retired on 30.04.2011 and the event on the basis of which a chargehseet has been served upon the petitioner way back to 27.11.2009 and is well within four years prior to the date of his retirement.

4. This Court has given a thoughtful consideration to the submissions made by learned counsel for the petitioner but the contention put forth by learned State counsel does not find favour to this Court.

5. Here it would be appropriate to mention/reproduce the order which particularly deals with the controversy involved in the instant case:

*Rule 2.2 sub-rule 2 (ii) Shall not be in respect of
any event which took place more than four years before such
institution”*

6. A glance at the aforesaid provisions makes it crystal clear that departmental proceedings or chargesheet, if instituted while the officer was not in service whether before his retirement or during his re-employment cannot be initiated or proceeded with in respect of any event which took **place more than four years before such institution**. Thus, the intention of the alleged date is not that the date of retirement is to be considered for the event have been taken place. Rather, no inquiry can be initiated in respect

Civil Writ Petition No.7310 of 2016

of an event which is after the expiry of a period of more than 04 years from the issuance of the such chargesheet or inquiry.

7. To buttress this observation, we can have the assistance from the judgment passed by this Court in case ***CWP No.11495 of 2009 captioned as S.S. Julka vs. Punjab State Warehousing Corporation and another, decided on April 08, 2015.***

8. Accordingly, instant petition stands allowed as per judgment ***S.S. Julka (Supra).***

September 05, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**