

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

**CWP NO. 20249 OF 2014  
DATE OF DECISION : 29.04.2019**

**Kulbhushan Sharma**

**...Petitioner**

**versus**

**Punjab State Warehousing Corporation**

**...Respondent**

**CWP No. 7753 of 2016**

**Harish Kumar Bajaj**

**...Petitioner**

**versus**

**Punjab State Warehousing Corporation**

**...Respondent**

**CWP No. 9752 of 2015**

**Jaspal Singh**

**...Petitioner**

**versus**

**Punjab State Warehousing Corporation**

**...Respondent**

**CWP No. 11383 of 2015**

**Kulbhushan Sharma**

**...Petitioner**

**versus**

**Punjab State Warehousing Corporation**

**...Respondent**

**CWP No. 11376 of 2015**

**Raghubir Singh**

**...Petitioner**

**versus**

**Punjab State Warehousing Corporation**

**...Respondent**

**CWP No. 10229 of 2015**

**Chaman Lal Chawla**

**...Petitioner**

**versus**

**Punjab State Warehousing Corporation**

**...Respondent**

**CWP No. 1455 of 2015**

**Darshan Singh**

**...Petitioner**

**versus**

**Punjab State Warehousing Corporation**

**...Respondent**

**CWP No. 25270 of 2014**

**J. S. Cheema**

**...Petitioner**

**versus**

**Punjab State Warehousing Corporation**

**...Respondent**

**CWP No. 8267 of 2014**

**Gurcharan Singh**

**...Petitioner**

**versus**

**Punjab State Warehousing Corporation**

**...Respondent**

**CWP No. 15374 of 2013**

**K. C. Rana**

**...Petitioner**

**versus**

**Punjab State Warehousing Corporation**

**...Respondent**

**CWP No. 6536 of 2016**

**Sukhjit Singh**

**...Petitioner**

**versus**

**Punjab State Warehousing Corporation**

**...Respondent**

Present : Mr. J. P. Rana, Advocate,  
for the petitioner(s).

Mr. Anil Kumar Sharma, Advocate,  
for the respondent(s) in  
CWP No. 20249 of 2014.

Mr. Sumit Jain, Advocate,  
for the respondents in  
CWP Nos. 10229, 11383 of 2015 and  
CWP No. 7753 of 2016.

Mr. Vikas Singh, Advocate,  
for the respondents.

Mr. M. S. Batth, Advocate,  
for respondents in  
CWP no. 6536 of 2016.

**ARUN MONGA, J. (ORAL)**

1. This order of mine shall dispose of bunch of 11 writ petitions, as similar questions of law and facts are involved therein.

2. Bereft of the facts which are not disputed, short controversy herein is whether in view of Rule 2.2 (B) of Punjab Civil Services Rules, Volume-II, Part-I (hereinafter referred to as "the Rules"), particularly proviso (2) thereof, can a retired employee be charge-sheeted more than four years after the event took place. Whether inordinately delayed charge-sheet so issued, is ex-facie liable to be set-aside, without going into the merits of same. For ready reference, Rule 2.2 (b) is reproduced

herein below :

*"2.2 (b) Such departmental proceedings, if not instituted while the officer was in service whether before his retirement or during his re-employment :-*

*(i) shall not be instituted save with the sanction of the Government;*

*(ii) shall not be in respect of any event which took place not more than four years before such institution; and*

*(iii) shall be conducted by such authority and in such place as the Government may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the officer during his service."*

3. Learned counsel for the petitioner(s) submits that the delinquency attributed to the petitioner(s) with respect to which charge-sheet has been issued to them relates to an incident which happened four years ago. The charge-sheet having been issued after four years is in violation of the Rule, *ibid* and is liable to be set-aside.

3. The position in law is no more than *res-integra*. The same has been conclusively settled vide a judgment rendered by a Division Bench of this Court in CWP No. 10456 of 2007 decided on 11.09.2008 titled as "*Raghubir Singh v. Punjab State Warehousing Corporation and another.*" Relevant whereof is reproduced herein below :

*“ A perusal of the aforementioned Rule makes it clear that a complete embargo has been imposed prohibiting holding of an enquiry against a retired employee for any event which has happened four years prior to the initiation of a enquiry. Therefore, a departmental proceeding cannot be initiated against an employee in respect of an event that has taken place more than four years prior to the date of institution of such an enquiry. The matter came up for consideration before a Division Bench of this Court in *Baldhir Singh v. State of Punjab and others* (CWP No. 17458 of 2007 decided on 18.07.2008) of which one of us (M.M. Kumar, J) is a Member. We have also noticed that the judgment in *L.B. Gupta v. Punjab State Electricity Board, 2001 (4) RSJ 127* case and in the case of *M. P. Goswami v. State of Punjab* (CWP No. 17382 of 2005 decided on 07.08.2007) also fully apply to the facts of the present case.”*

4. A perusal of the above, leaves no manner of doubt that present writ petitions deserve to be allowed. In the premise, charge-sheet(s) issued to the employees, issued after a lapse of four years from the date of incident, are quashed.

5. All the above said writ petitions stand disposed of accordingly.

**(ARUN MONGA)**  
**JUDGE**

**APRIL 29, 2019**  
shalini

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No