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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-26364-2013

Date of Decision: May 27, 2019

R.S. Bawa

... Petitioner

vs.

Allahabad Bank and Others

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ashish Grover, Advocate, for the petitioner.

Mr. R.S.Manhas, Advocate, for the respondents.

ARUN MONGA, J.(ORAL)

Learned counsel for the petitioner, supported with a judgment of Hon'ble the Apex Court rendered in Union of India vs. K.V.Jankiraman reported as 1991 AIR (SC) 2010, vehemently argued that disciplinary proceedings commence when charge sheet is issued to an employee and not when the show cause notice is issued. He further relies on a judgment rendered by this Court in CWP-211 of 1992, titled as Narinder Dev Sharma vs. State of Punjab and another, reported as 1996 (1) S.C.T. 623 to buttress his argument that a departmental inquiry cannot be treated to have been initiated till the competent authority frames a charge sheet. Anything prior to the issuance of charge sheet is merely a contemplated action/inquiry and any stage prior thereto, therefore, cannot be equated with the commencement of the inquiry which can only be after issuance of the charge sheet.

2. Having gone through the judgments, *ibid*, I am in agreement with the arguments canvassed by the learned counsel for the petitioner.

3. My attention has been drawn to circular dated 15.05.2009

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(Annexure P7) issued by the respondent-Allahabad Bank, the relevant extract whereof is extracted here-in-below:

“The commission has accordingly approved the proposal that no disciplinary proceeding will ordinarily lie against any official for any lapse not detected within two successive internal regular audits/inspections of the same account or 4 years from the date of the event, whichever is later”.

A perusal of the above clearly reflects that the disciplinary proceedings initiated against the petitioner after a lapse of four years from the date of event, would have to necessarily be dropped in view of the above conceded position as contained in the circular. Charge-sheet dated 25.05.2010 issued to the petitioner relates to the period from 24.05.2004 to 06.10.2007.

4. In the premise, the impugned order dated 12.12.2011 (Annexure P-12) as upheld vide Appellate order dated 07.03.2012 (Annexure P-16) and Revisional order dated 05.03.2013 (Annexure P-26) are all set aside with liberty to the respondents to pass fresh orders, by determining the punishment qua those charges which are outside the preview of four years from the date of the charge sheet in accordance with circular dated 15.05.2009 (Annexure P-7).

5. Let needful be done within a period of three months from the date of receipt of certified copy of this order.

6. The writ petition is disposed of in above terms. No order as to costs.

May 27, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No