

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SMRITI
2017.09.13 11:37
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CWP-3046-2018

Date of Decision: 09.09.2019

Sunil Kumar

... Petitioner

vs.

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Parveen Kumar Garg, Advocate
for the petitioner.

Mr. P.S.Bajwa, Additional Advocate General, Punjab.

ARUN MONGA, J.(ORAL)

The grievance of the petitioner herein is that he had earlier been charge-sheeted vide charge-sheet dated 17.04.2012 (Annexure P-1) which culminated into order dated 06.06.2016 (Annexure P-2) passed by the Disciplinary Authority. However, on the same set of facts, a subsequent charge sheet dated 23.08.2017 (Annexure P-3), impugned herein, was issued to the petitioner wherein the following charges have been framed against him.

- “1. Misusing his post.
2. Wrong fixation of Sh. Roshan Lal, Sr. Assistant.
3. Causing financial loss to government.
4. Violating Rules.
5. Misleading higher Officers.”

2. Learned counsel for the petitioner submits that the second charge-sheet has been issued to the petitioner wherein same charges have been framed qua which the petitioner had already been charge-sheeted vide earlier charge-sheet dated 17.04.2012 (Annexure P-1). The following

charges were framed vide charge-sheet dated 17.04.2012 (Annexure P-1) :

- “1. Not refixing his pay in time and non-refixation of pay of Sh. Roshan Lal Sr. Assistant, till the date.
2. Negligence in duty.
3. Causing financial loss to government.”*

3. Having gone through the charges contained in charge-sheet dated 17.04.2012 (Annexure P-1) vis-a-vis the charges contained in charge-sheet dated 23.08.2017 (Annexure P-3), I am in agreement with the argument of learned counsel for the petitioner that the petitioner has been charge-sheeted twice over for the same charges.

4. In the premise, the writ petition is allowed to the extent that the subsequent charge-sheet dated 23.08.2017 (Annexure P-3) is quashed with liberty to the respondents to proceed on the basis of order dated 06.06.2016 (Annexure P-2) and take appropriate decision with regard to the petitioner's request for extension of service, in accordance with law.

5. Let needful be done within a period of three months.

09.09.2019
smriti

(ARUN MONGA)
JUDGE

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