

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP-9135-2020**

DATE OF DECISION: JULY 17, 2020

MAKHAN SINGH

...PETITIONER

VERSUS

PUNJAB AGRO INDUSTRIES CORPORATION  
AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.**

PRESENT: MR. PARVEEN KUMAR GARG, ADVOCATE  
FOR THE PETITIONER.

MR. R.S. KALRA, ADVOCATE  
FOR THE RESPONDENTS.

**MANOJ BAJAJ, J.(ORAL)**

Learned counsel for the petitioner contends that pursuant to the charge-sheet dated 24.1.2018, the enquiry was conducted and upon finalization of the same, the petitioner was dismissed from service on 25.11.2019. It is the case set up by the petitioner that since being dismissed employee, the charge-sheet dated 3.7.2019 (Annexure P-1) was not sustainable in the absence of any provision enabling the Corporation to continue with the proceedings. In support of the argument, reliance has been placed upon the decision of this Court rendered in **CWP No.25369-2018, titled as Shaminder Singh vs. The Punjab Agro Industries Corporation and another** (Annexure P-7). The relevant portion of the judgement reads as under:-

*“Counsel appearing on behalf of the Corporation/respondents very fairly concedes that there*

*is no rule, as of now, which empowers the respondent/Corporation to issue charge sheet to a retired employee and hold disciplinary proceedings. Once there is an admission on behalf of the respondent/Corporation that there is no rule, which empowers the Corporation to issue charge sheet to a retired employee or to continue the proceedings after retirement, the charge sheets issued to the petitioner(s), which have been impugned in these writ petitions is without jurisdiction and no disciplinary proceedings can be held in pursuance to those charge sheets to impose punishment.*

*Counsel for the respondent/Corporation argues that it might not be within their jurisdiction to initiate disciplinary proceedings against the retired employee to impose punishment but Corporation will have the liberty to recover the loss in case any employee has caused so, by his/her act of omission/commission, by filing appropriate proceedings before the Civil Court for the recovery of the same and this right has already been upheld while deciding CWP No.26728 of 2014 by this Court. This Court is in agreement with the said argument as Corporation cannot be remediless in case it has suffered monetary loss at the hands of any employee during his/her service career prior to their retirement.*

*Keeping in view the above, the charge sheets, which have been issued to the petitioner(s) initiating disciplinary proceedings for imposing punishment under the rules, are set aside only to the effect that no disciplinary action be taken against the petitioner(s) on the basis of the said charge sheets. The disciplinary proceedings to enquire into the allegations alleged in the charge sheet, if already completed shall be treated as a*

*fact finding enquiry only and the said fact finding enquiry shall not be treated as disciplinary enquiry for imposing punishment. If any order of punishment has been passed by the respondents on the basis of the impugned charge sheet, the same shall also be not given effect to.”*

At this stage, learned counsel appearing on behalf of respondents has produced the communication dated 9.7.2020 addressed to the Enquiry Officer, namely, Smt. Anjna Kapoor, General Manager, PAFC, Chandigarh to contend that in the light of the decision Annexure P-7, relied upon by the petitioner, the nature of enquiry in the present case has been treated as a Fact finding enquiry. The communication reads as under:-

*“This is in continuation of Notice of Enquiry vide letter No. Endst. PAFC/HR/2019/15438-41 dated 24.09.2019.*

*You are requested to continue the same which will be treated as Fact Finding and submit the report.”*

Mr. Kalra, learned counsel for respondents contends that the claim raised by the petitioner in the present writ petition stands satisfied and the petition is rendered infructuous. Mr. Garg, learned counsel for the petitioner does not dispute this position and fairly states that nothing survives for adjudication in the present writ petition.

Resultantly, the writ petition is ordered to be disposed off as infructuous.

July 17, 2020  
Gulati

**(MANOJ BAJAJ)**  
**JUDGE**

Whether Reportable : Yes/No  
Whether Speaking/Reasoned : Yes/No