

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

229

CWP-29749-2017

Date of Decision : January 22, 2020

MAHESH KUMAR GUPTA

.....Petitioner

VERSUS

UHBVNL AND ANR.

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. R.K.Malik, Senior Advocate with
Mr. Sandeep Kumar Rana, Advocate
for the petitioner.

Mr. S.S.Narula, Advocate for the respondents.

NIRMALJIT KAUR, J. (Oral)

The prayer in the present petition is for quashing of charge-sheets Annexures P-3 to P-5 being contrary to Rule 2.2(b)(2)(ii) of the Punjab Civil Service Rules. Vol.II and further to quash the impugned order dated 17.11.2017 Annexure P-11 vide which the request of the petitioner was rejected. Reliance is placed on the judgment rendered in the case of **S.S.Julka Vs. Punjab State Warehousing Corporation and another**, CWP No. 11495 of 2009 decided on 8.4.2015 (Annexure P-15).

Reply has been filed. As per the said reply, the petitioner was re-instated on 10.10.2013 having been acquitted in the criminal case. Thereafter, the charge-sheet which had been earlier dropped was, once again, issued after six years of the retirement. Even as per the facts as stated in the reply and by learned counsel for the respondents, there is no anomaly in the fact that the fresh charge-sheet was issued after six years of the retirement.

It is not disputed that the charge-sheets were issued after four years of the age of attaining of superannuation. The petitioner retired on 28.2.2011 and the charge-sheets were issued after six years i.e. 1.6.2017. On the basis of the said fact as well as the rules applicable alongwith the well settled legal proposition as settled by the various judgments as also in the judgment rendered in the case of S.S.Julka (supra), it is not disputed that no charge-sheet could have been issued after four years of retirement.

In view of the admitted position, the charge-sheets Annexures P-3 to P-5 as well as the impugned order dated 17.11.2017 Annexure P-11 are quashed.

Allowed, as above.

January 22, 2020
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(NIRMALJIT KAUR)
JUDGE

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