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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.9756 of 2015
Date of decision: 18.02.2020

H.S. Walia

.....Petitioner

V/s.

**Punjab State Warehousing Corporation through its Managing
Director, Chandigarh**

.....Respondent

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

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

Mr. Anil Kumar Sharma, Advocate,
for the respondent.

Sanjay Kumar, J. (Oral)

The petitioner, a retired Warehouse Manager of the Punjab State Warehousing Corporation, filed this writ petition assailing the charge-sheet dated 22.07.2009 and the consequential show-cause notice dated 20.12.2011 issued by it. He however conceded that insofar as the deliveries mentioned at Serial Nos. 43 to 53 of the charge-sheet dated 22.07.2009 were concerned, he had no objection to the initiation of disciplinary proceedings.

Perusal of the impugned charge-sheet dated 22.07.2009 demonstrates that the disciplinary proceedings were initiated in relation to various alleged short deliveries. But for the short deliveries mentioned at Serial Nos.43 to 53, the rest of them pertain to periods more than four years prior to the initiation of disciplinary proceedings.

Such initiation was in clear violation of the mandate of the second *proviso* to Rule 2.2(b) of the Punjab Civil Services Rules, 1970 (Volume-II Part-I). There is no dispute as to this aspect.

In that view of the matter, the disciplinary proceedings initiated in relation to such periods which fall beyond the scope of the Rule cannot be sustained. The charge-sheet dated 22.07.2009 and the consequential show-cause notice dated 20.12.2011, insofar as they relate to such periods, are accordingly quashed. They shall however remain alive insofar as the alleged short deliveries mentioned at Serial Nos.43 to 53 are concerned and the disciplinary proceedings in relation thereto may proceed in accordance with law and due procedure.

The writ petition is disposed of accordingly.

No order as to costs.

18.02.2020
rakesh

(SANJAY KUMAR)
JUDGE

whether speaking/non speaking : Yes/no
whether reportable/non reportable : Yes/no