

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

**CWP-14793-2017
Date of Decision: 20.05.2022**

Ram Karan

..... Petitioner

Versus

Haryana Vidyut Prasaran Nigam Limited and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Tara Chand Dhanwal, Advocate,
for the petitioner.

Mr. Anil Chawla, Advocate,
for the respondents.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, challenge is to charge-sheet dated 14.01.2009 (Annexure P-3), the inquiry report dated 02.03.2010 and all the subsequent proceedings arising thereof, including the impugned order dated 12.04.2017 (Annexure P-22), passed by respondent No.2, vide which the punishment has been imposed upon the petitioner.

The said challenge to charge-sheet dated 14.01.2009 and all the subsequent proceedings arising thereof is on the ground that the same have been initiated against the petitioner, keeping in view Rule 2.2(b) of the Punjab Civil Services Rules, Volume II, after retirement of the petitioner, whereas keeping in view the Rule 2.2 of the Punjab Civil Services Rules, no

charge-sheet can be served upon an employee, after his/her retirement, in respect of an allegation which is four years old on the date of serving of the said charge-sheet. As per the petitioner, he retired from service on 31.01.2004, whereas the charge-sheet was issued to him on 14.01.2009. Even the petitioner had completed five years after his retirement before the said charge-sheet dated 14.01.2009 (Annexure P-3) was served upon him, and therefore, the requirement of Rule 2.2 of the Punjab Civil Services Rules is not fulfilled in the present case.

After notice of motion, though the respondents have filed the reply contesting the said claim, but at the time of hearing, learned counsel for the respondents very fairly submits that keeping in view the provision of Rule 2.2 of the Punjab Civil Services Rules, under which the petitioner was issued the impugned charge-sheet dated 14.01.2009, the material requirements are not fulfilled, as charge-sheet was served after a period of five years of the retirement, whereas the charge-sheet could only be served in respect of the allegations which are not older than four years on the date when the charge-sheet is served upon an employee. Learned counsel further submits that though the charge-sheet dated 14.01.2009 has already been taken to its logical end by the authorities concerned, but keeping in view the fact that issuance of the charge-sheet was beyond the jurisdiction of the respondents, the impugned order of punishment dated 12.04.2017 (Annexure P-22) will not be implemented qua the petitioner.

Learned counsel for the respondents, on instructions from Sh. Chaman Sehgal, Deputy Superintendent, submits that as the operation of impugned order dated 12.04.2017 (Annexure P-22) was stayed, therefore, no deduction from the pension of petitioner was done.

In case, any deduction has been done from the petitioner, in respect of order dated 12.04.2017 (Annexure P-22), the said amount be refunded back to the petitioner within a period of two months from the date of receipt of the copy of this order.

20.05.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No