

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 6034 of 2023 (O&M)
Date of decision: 18.04.2023

Avtar Singh Foreman Instructor (Retired)

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Narinder Pal Sharma, Advocate
for the petitioner.

Mr. Vikas Arora, AAG, Punjab

ANIL KSHETARPAL, J(Oral)

1. While filing a writ of certiorari, the petitioner, who retired on 30.09.2020 challenges the correctness of the charge-sheet issued on 05.03.2021. Precisely, he claims that such charge-sheet is time barred in view of Rule 2.2(b) of the Punjab Civil Services volume-II.

2. On 23.03.2023, the following order was passed:-

“Learned counsel representing the petitioner, while relying upon Rule 2.2(b) of the Punjab Civil Services Rules Vol.II, submits that the charge-sheet issued on 05.03.2021 relates to an incident, which took place more than 4 years prior to the retirement of the petitioner. Hence, it is barred by time/limitation.

Notice of motion.

At the request of the Court, Mr. Vikas Arora, AAG, Punjab, accepts notice on behalf of the respondents and prays for some time to get complete instructions before assisting the Court.

List on 18.04.2023, in the urgent list.”

3. Sh. Vikas Arora, Assistant Advocate General, Punjab, submits that the petitioner is guilty of concealment of material facts as on the completion of the departmental inquiry, the competent authority has imposed a penalty of Rs.974/- against the petitioner vide decision dated 17.10.2022.

4. The learned counsel representing the petitioner submits that his huge arrears of retiral benefits have been withheld on account of this dispute.

5. Keeping in view the fact that the petitioner has been penalized only to recover Rs.974/-, this court does not find it appropriate to go into the merits of the case. However, the learned State counsel, on instructions from Mr. Manoj Kumar, Lecturer, submits that no further inquiry is contemplated or pending against the petitioner.

6. In view of the aforesaid, the writ petition is disposed of by directing the respondents to release the arrears of retiral benefits after adjusting Rs.974/- within a period of one month, from today, positively.

7. All the pending miscellaneous applications, if any, are also disposed of.

April 18, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*