In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 8710 of 2023

Date of Decision: 27.04.2023

Rakesh Kumar

... Petitioner(s)

Versus

The State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Abhimanyu Batish, Advocate
for the petitioner(s).

Mr. R.S.Pandher, Senior Deputy Advocate General,
Punjab.

Anil Kshetarpal, J.

1. The petitioner prays for the issuance of a writ in the nature of certiorari to quash the charge memo dated 17.11.2022, on the ground that the charge memo is barred under Rule 2.2(b) of the Punjab Civil Service Rules, Volume-2, as the alleged irregularity was committed by him more than four years before the date of initiation of the disciplinary proceedings.

2. The petitioner is a retired employee. This writ petition has been filed without filing an application before the Disciplinary Authority, who has issued the charge memo. Though, the petitioner while filing reply to the charge memo has taken this objection, however, no specific order has been passed by the Disciplinary Authority in the said regard.

3. Keeping in view of the aforesaid facts, at the first instance, the petitioner is directed file an application before the Disciplinary Authority

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which shall be decided by passing a speaking order after granting an opportunity of hearing to the petitioner within a period of one month, positively, from the date of its filing.

4. With the observations made above, the present writ petition is disposed of.

(Anil Kshetarpal)
Judge

April 27, 2023
"DK"

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

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