

2023:PHHC:051806

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

CWP-20213-2014

Date of Decision : 24.02.2023

Rattan Chand and another

..... Petitioners

versus

P.S.W.C

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Vikas Singh, Advocate
for the respondent.

PANKAJ JAIN, J. (Oral)

In the present writ petition, the petitioners have challenged the action of the respondent in proceeding against him after retirement in violation of Rule 2.2(b) of Punjab Civil Services Rules, Vol-II, Part-I. However, it is not disputed by the counsel for the petitioners that the disciplinary proceedings initiated against the petitioners vide impugned chargesheet already stand culminated in the order of punishment dated 11.08.2014 (P-7) and the same is an appealable order. Thus the petitioners have an alternate efficacious alternate remedy in form of departmental appeal. While issuing notice of motion, the operation of the order Annexure P-7 was ordered to be stayed.

2. Counsel for the respondent does not dispute that it will be in the interest of justice that till the petitioners avail their alternate remedy, the recovery proceedings be not effected.

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3. Resultantly, present writ petition is dismissed with liberty to the petitioners to avail their alternate remedy in form of departmental appeal as provided under the rules in accordance with law.

4. Needless to say the time spent in the present lis i.e. from the date of filing of the present writ petition till the date of receipt of certified copy of the order will not be counted to hold the departmental appeal preferred by the petitioners as barred by delay. The recovery pursuant to impugned order dated 11.08.2014 (P-7) shall be kept in abeyance.

5. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

24.02.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No