

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No. 949 of 2023 (O&M)

Date of Decision: 04.08.2023

Punjab State Power Corp. Ltd. and othersAppellants

Versus

Balbir Singh SidhuRespondent

CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present : Mr. Sehaj Bir Singh, Advocate for the appellants.

Mr. Harsh Aggarwal, Advocate, for the respondent.

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

The appellant has filed this appeal being aggrieved by the order dated 09.03.2023 passed by the learned Single Judge whereby the petition filed by the respondent praying for quashing of the charge-sheet dated 15.10.2018 (Annexure P-7) has been allowed.

2. Learned counsel appearing for the appellant-corporation submits that the respondent, while working as Additional Superintending Engineer in Punjab State Power Corporation Limited had made the over payment of Rs.30,55,329/- for 93 transformers to a contractor in the year 2010 and as soon as the aforesaid aspect was discovered, a charge-sheet was issued to the respondent on 15.10.2018 by the corporation which was challenged by him before the learned Single Judge. Learned Single Judge has quashed the impugned charge sheet on the ground that the departmental proceedings cannot be initiated against a person post retirement.

3. Learned counsel for the appellants-corporation submits that as the respondent had committed financial irregularities resulting in loss to the appellant-corporation, therefore, the enquiry was initiated against him by issuing a charge-sheet on 15.10.2018 immediately within a year i.e. after the date of his superannuation on 30.04.2018.

4. We have heard learned counsel for the appellants.

5. From a perusal of the provision of Rule 2.2(b) of Punjab Civil Services Rules (Vol.II), it is evident that departmental proceedings, if not instituted while the officer was in service, shall be instituted with the sanction of the government and shall not be in respect of any event, which took place more than four years before such institution. In the instant case, the alleged incident took place in the year 2010 whereas the petitioner superannuated from service in April, 2018 and thus, the incident in respect of which the enquiry was sought to be initiated occurred eight years prior to the date of superannuation.

6. Quite apart from the above, it is also evident that the enquiry in question was initiated on the issuance of the charge-sheet on 15.10.2018 i.e. post superannuation of the respondent without there being any sanction from the government. In the circumstances, the learned Single Judge relying upon the decision of the Supreme Court rendered in *U.O.I. vs. K.V.Jankiraman 1991(4) SCC 109*, has held that as date of initiation of departmental proceedings should be taken the date of issuance of charge sheet which in the instant case was 15.10.2018 and in such circumstances the entire proceedings initiated by the department could not have been initiated in view of the provisions contained in Rule 2.2(b) of Punjab Civil Services Rule (Vol.II) and therefore, quashed the impugned charge sheet.

7. Learned counsel for the appellants-corporation does not dispute the provisions of Rule 2.2(b) of the Punjab Civil Services Rules (Vol.II) and the dates that have been placed on record. In such circumstances, we do not find any illegality or perversity in the impugned order passed by the learned Single Judge. The appeal filed by the appellant being meritless stands dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

04.08.2023

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√