

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

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**CWP-22898-2017 (O&M)
Date of Decision :-14.11.2023**

Dr. Om Parkash Mehta**...Petitioner**

Versus

State of Haryana and others**...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Atul Arya, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. I.S. Sidhu, Advocate for respondent No.5.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, petitioner was issued a charge sheet dated 20.12.2016 (Annexure P/10) for embezzlement of sum of Rs.1,66,245/-, which according to the respondents was done starting from 11.03.2011 to 13.09.2013. The challenge is to the said charge sheet on the ground that the petitioner had already retired from service on attaining the age of superannuation on 31.12.2013 whereas, the said charge sheet has been issued on 20.12.2016, which was served upon him much after the date of retirement and hence, the claim of the petitioner is covered under the note that any allegation which is four years old at the time of issuance of the charge sheet, cannot be taken into consideration.

2. Learned counsel for the petitioner submits that enquiry proceedings are already over and enquiry report has been submitted by the Enquiry Officer, which has been further given to the petitioner for his comments.

3. Learned counsel for the petitioner further submits that the petitioner intends to take all the objections before the authorities concerned that the charge sheet dated 20.12.2016 is not maintainable keeping in view the rules governing the service, which were prevalent at the time when the petitioner retired from service as not only the allegations were four years old but the charge sheet was served much beyond the limitation period as fixed under the rules governing the service and prays that the respondents be directed to take the said aspect into consideration while considering the reply of the petitioner against the enquiry report as to whether in the facts and circumstances of the present case, the respondents have jurisdiction to initiate disciplinary proceedings or not.

4. Learned counsel for the respondents submits that the objections including the objections noticed hereinbefore will be considered by the respondents while considering the reply filed by the petitioner to the enquiry report and an appropriate order will be passed as to whether charge sheet was maintainable on the date when the same was issued keeping in view the rules governing the service, which were prevalent at the time when the petitioner retired.

5. Learned counsel for the petitioner submits that keeping in view the statement made by learned counsel for the respondents, present petition may kindly be disposed of having been not pressed at this stage.

6. Ordered accordingly.

7. Civil Miscellaneous application pending, if any is also disposed of.

November 14, 2023

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No