

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

Date of decision : 13.02.2023

1. CWP-8594-2016

Rakesh Raj Palta

..... Petitioner

versus

Punjab Agro Industries Corporation Ltd. and another Respondents

2. CWP-9875-2016

Rakesh Raj Palta

..... Petitioner

versus

Punjab Agro Industries Corporation Ltd. and another Respondents

2. CWP-9937-2016

Rakesh Raj Palta

..... Petitioner

versus

Punjab Agro Industries Corporation Ltd. and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Dr. Padamkant Dwivedi, Advocate
for the petitioner(s).

Mr. Anupam Singla, Advocate
for the respondents.

PANKAJ JAIN, J. (Oral)

By way of present judgment, I intend to dispose off above said three writ petitions as common question of law and facts are involved therein. For the sake of convenience, facts are being taken from CWP-8594-2016.

2. The petitioner is aggrieved of chargesheet dated 24.02.2016 (Annexure P-5).

3. The petitioner while working as Senior Manager (Accounts) was served with chargesheet dated 13.09.2013 for alleged misappropriation of causing financial loss to the Corporation. The same culminated in the order of dismissal dated 04.08.2014 (P-3). The same was impugned before this Court in CWP No. 23879 of 2014 which was disposed off vide order 17.09.2015 granting liberty to the petitioner to avail statutory remedy of appeal. The petitioner filed appeal before the Appellate Authority. In the meantime, petitioner has been served with another chargesheet dated 24.02.2016.

4. The precise contention put into service by the petitioner is that the petitioner cannot be issued chargesheet after his dismissal as there is no provision in the rules/regulations empowering the authorities to serve chargesheet upon the petitioner after his relationship with the employer stands snapped.

5. The issue w.r.t. power of the employer to issue chargesheet to an employee after the relationship gets snapped and the approach of the Courts while dealing with the said issue came up for consideration before Apex Court in the case of '***State of Maharashtra vs. Vijay Kumar Aggarwal and another, reported as 2014(13) SCC 198***', wherein it has been held as under:-

“12. It is clear from the above that only on the ground that Respondent No. 1 has already been dismissed from service in another separate inquiry, the High Court has held that in so far as charge-sheet dated 6.07.1988 is concerned, inquiry cannot continue. We are of the opinion that the High Court is only partially correct in his approach. No doubt, so long as Respondent No. 1 is facing penalty of dismissal, no question arises to continue the inquiry into the charges levelled vide

charge- sheet dated 6.07.1988. It is because of the reason that with the dismissal of Respondent No. 1 from service, as of now Respondent No. 1 has ceased to be the employee of the Appellant. Moreover, the employee who has already been dismissed from service cannot be imposed any other penalty on the conclusion of inquiry pertaining to the charge- sheet dated 6.07.1988. Therefore, at this stage no purpose is going to be served to continue with the inquiry into the said charge-sheet. At the same time, it is also to be borne in mind that Respondent No. 1 has challenged dismissal order and the matter is pending before the Tribunal. In case the said dismissal is set aside by the Tribunal and/ or the High Court/ this Court and Respondent No. 1 is reinstated in service as a result thereof, the relationship of employer-employee between the parties shall also stand restored. In that eventuality, it would be permissible for the appellant to proceed with the inquiry relating to charge-sheet dated 6.07.1988 as well. Therefore, normally such a direction of the High Court to the effect that “proceedings have to terminate” in so far as charge-sheet dated 6.07.1988 is concerned would not be correct. Instead of terminating these proceedings appropriate order as that should normally be passed is to keep in ‘abeyance’. That is the course of action which is permissible under the extant Rules as well as, in such circumstances.”

6. In view of the aforesaid statement of law, the present writ petitions are allowed impugning the chargesheet dated 24.02.2016 (P-5) is ordered to be kept in abeyance.

7. The petitioner though stands dismissed in the earlier chargesheet dated 13.09.2013, but the said proceedings are pending before Appellate Authority. In case, owing to outcome of appeal preferred by the

petitioner and proceedings subsequent thereto, the petitioner is reinstated in service in the earlier chargesheet dated 13.09.2013, the employer will be well within its right to revive the present chargesheet dated 24.02.2016 (P-5). However, in case the petitioner does not succeed in the proceedings stemming out of earlier chargesheet dated 13.09.2013, the employer will have no right to pursue the present chargesheet and the same shall be deemed to have been quashed.

8. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

13.02.2023

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No