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

CWP-25799-2023

Date of decision: 16.11.2023

Pushpinder Pal Garg

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ankit Midha, Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G. Punjab
for respondent Nos.1 to 3.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for quashing the charge sheet dated 09.05.2023 (Annexure P-2) issued against the petitioner.

2. Learned counsel for the petitioner has submitted that the petitioner had retired from service on 31.08.2018 and after issuance of charge sheet dated 09.05.2023 (Annexure P-2), detailed reply dated 22.05.2023 (Annexure P-3) has been filed by the petitioner, in which, it has been specifically stated that the proceedings initiated against the petitioner are barred under Rule 2.2(b) of the Punjab Civil Services Rules, Volume-II, as the said proceedings have been initiated after the retirement of the petitioner and pertain to the incidents which took place more than four years prior the institution of departmental proceedings. It is further submitted that in spite of the specific reply dated 22.05.2023, the authorities are proceeding further in

the matter without considering the aspect of Rule 2.2(b) and in case the authorities were to accept the said plea, then the proceedings against the petitioner are liable to be dropped solely on the said ground.

3. Learned State Counsel appearing on behalf of respondent Nos.1 to 3 has fairly stated that the competent authority of the respondent-State would reconsider the matter and would pass a speaking order with respect to the plea based on Rule 2.2(b) which has been raised in the reply dated 22.05.2023 (Annexure P-3) within a period of four weeks from the date of receipt of certified copy of the present order and further proceedings till the passing of the said order would be kept in abeyance.

4. Keeping in view the abovesaid facts and circumstances and fair stand taken by learned State Counsel, the present Civil Writ Petition is disposed of with direction to the competent authority of the respondent-State to pass a speaking order within a period of four weeks from the date of receipt of certified copy of the present order on the aspect of the proceedings being barred by Rule 2.2(b), as raised by the petitioner in his reply dated 22.05.2023 (Annexure P-3) and till the time the said decision is taken, the proceedings before the Enquiry Officer shall remain stayed.

5. It is made clear that this Court has not opined on the merits of the case and it would be open to the competent authority of respondent-State to take an independent decision on the said aspect, in accordance with law.

16.11.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**