

CWP-2072-2024

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2024:PHHC:012836

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-2072-2024

Date of decision : 31.01.2024

Vijay Pal Sharma

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Rakesh Sobti, Advocate
for the petitioner.

Mr.Kunal Muthreja, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the charge sheet dated 20.07.2023 (Annexure P-4) issued by respondent no.1.

2. Learned counsel for the petitioner has submitted that the petitioner has retired from service on 24.07.2018 and the charge sheet in the present case has been issued on 20.07.2023 which is after his retirement, with respect to the event which took place in the years 2016-17, which is more than 4 years prior to the issuance of the said charge sheet. It is submitted that the initiation of said charge sheet is barred under Rule 2.2(b) of the Punjab Civil Services Rules, Volume II and thus, the proceedings against the petitioner deserve to be quashed / dropped. Learned counsel for the petitioner has submitted that after the said charge sheet, a detailed reply dated 09.08.2023 was filed by the petitioner raising the said ground, but

however in spite of the same, the order dated 04.12.2023 has been passed and the enquiry officer has been appointed and the departmental proceeding has been initiated. It is further submitted that the petitioner has given another representation dated 08.01.2024 (Annexure P-7) to the competent authority of respondent no.1 and has submitted that at this stage, the petitioner would be satisfied in case the representation is considered by the competent authority of respondent no.1 in a time bound manner and till the time, the said decision is taken, the departmental proceedings be kept in abeyance.

3. Learned State counsel has submitted that the competent authority of respondent no.1 would consider the said representation and decide the same within a period of six weeks from the date of the receipt of certified copy of the present order.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with the following directions:-

i) The competent authority of respondent no.1 would consider the representation dated 08.01.2024 (Annexure P-7) of the petitioner and decide the same, in accordance with law, as expeditiously as possible, preferably within a period of six weeks from the date of the receipt of certified copy of the present order.

ii) In case, after considering the representation, the plea of the petitioner is found to be meritorious, then necessary relief be granted to the petitioner and in case, the plea of the petitioner is not found to be meritorious, then a speaking order rejecting the same be passed within a period of six weeks from

the date of the receipt of certified copy of the present order.

iii) Till the time the decision is taken on the said representation dated 08.01.2024 (Annexure P-7) by the competent authority, the departmental proceedings would be kept in abeyance.

5. It is made clear that this Court has not opined on the merits of the case and the competent authority of respondent no.1 would consider and decide the representation independently, in accordance with law.

(VIKAS BAHL)
JUDGE

January 31, 2024
Davinder Kumar

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