



CWP-7381-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(201)

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Date of decision: - 14.05.2024

Ashish Midha

....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. TPS Walia, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Article 226/227 of the Constitution of India praying for quashing the charge-sheet issued against the petitioner, vide memo dated 14.02.2024 (Annexure P-3).

Other prayers have also been made in the present petition.

2. On 02.04.2024, this Court was pleased to pass the following order: -

“Inter alia contends that the petitioner had retired from Government service from the post of Superintending Engineer after availing extension of two years on 30.04.2019. It is submitted that on 14.02.2024 i.e. after a period of more than four years from the date of retirement, a charge sheet has been issued under Rule 8 of the Punjab Civil Services (Punishment and Appeals) Rules, 1970 and Rule 2.2(b) of the Punjab Civil Services Rules Volume-2 on the charge that when the petitioner was posted from 07.12.2012 to 02.06.2017, the



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petitioner had granted punishment to a clerk, which as per the chargesheet, was not adequate. It is further submitted that the petitioner had given a detailed reply to the said chargesheet in which specific objection was raised that the event which has been alleged in the chargesheet, on the basis of which the proceedings have been initiated, had taken place more than six years and eight months prior to the issuance of the chargesheet and was also subsequent to the retirement of the petitioner and thus, the said proceedings were not maintainable in view of Rule 2.2(b)(ii). It is also contended that in the said reply, reference has been made to several judgments of this Court but the authorities without considering the said reply and the provisions of the said Rule have appointed an Inquiry Officer and are proceeding with the departmental inquiry. It is further submitted that in a bunch of similar petitions, this Court vide detailed judgment dated 21.03.2024 (Annexure P-7) had quashed similar proceedings and the said judgment was also rendered with respect to State of Punjab. Reference has also been made to the order dated 23.01.2023 (Annexure P-6) passed by the Coordinate Bench of this Court. It is further submitted that in spite of the issue having been settled repeatedly, State of Punjab has acted in violation of the settled law, causing harassment to the retired employees.

Notice of motion.

Mr. TPS Walia, AAG, Punjab, appears and accepts notice on behalf of respondent Nos.1 to 3 and prays for a short adjournment to get instructions in the matter including instructions as to why the judgment of this Court as well as Rule 2.2(b) is not being considered by the State of Punjab before issuing the chargesheet in the case of retired employees who are covered under Rule 2.2.

Adjourned to 23.04.2024.

Till the next date of hearing, further departmental proceedings in pursuance of the chargesheet are stayed.

To be taken up at 12:00 pm.”

3. On 23.04.2024, learned State counsel had prayed for a short adjournment to get instructions in the matter.

4. Learned State counsel has got the instructions in the matter

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and has very fairly submitted that the impugned charge-sheet has been withdrawn, thus, the present writ petition has been rendered infructuous.

5. Learned counsel for the petitioner has submitted that in view of the stand taken by the learned State counsel, the present writ petition be disposed of as having been rendered infructuous.

6. In view of the above, the present writ petition is disposed of as having been rendered infructuous.

May 14, 2024

naresh.k

(VIKAS BAHL)

JUDGE

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