

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

RSA-1160-1999 (O&M)
Date of Decision : 18.04.2024

State of Punjab

...Appellant

Versus

Parshotam Lal Puri

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rohit Ahuja, Deputy Advocate General, Punjab
for the appellant.

Harsimran Singh Sethi J. (Oral)

CM-2250-C-1999

Application is allowed, as prayed for.

RSA-1160-1999

1. In the present appeal, the challenge is to the judgments and decrees of the courts below by which the suit filed by the respondent-plaintiff was allowed and the proceedings, which were initiated against him after the retirement, were held to be bad.
2. Learned counsel for the appellant submits that though, the respondent-plaintiff retired on 31.10.1996 and charge-sheet was served thereafter, but as he was already given a show cause notice prior to the date of retirement and explanation was sought hence merely that the

charge-sheet was issued after retirement, will not invoke Section 2.2B of the Punjab Civil Services Rules so as to get the sanction of the Governor before issuing the charge-sheet.

3. Qua the said argument, it may be noticed that once, it is a conceded position that the charge-sheet was served upon the respondent-plaintiff after the retirement, the said charge-sheet can only be served under the provisions of the Punjab Civil Services Rules. As per the Punjab Civil Services Rules, Vol.-II, it is only Rule 2.2(b), which deals with the issuance of a charge-sheet to a retired employee. Once, it is a conceded position that on the date when the charge-sheet was issued, the respondent-plaintiff had retired, the appellants were under obligation to comply with the provisions of Rule 2.2B of the Punjab Civil Services Rules and once, it has already come on record that the necessary sanction required to initiate proceedings as envisaged under Rule 2.2(b) of the Punjab Civil Services Rules was not taken before the issuance of the charge-sheet to the respondent-plaintiff, issuance of charge-sheet has rightly been held to be bad in law being contrary to the provisions of Rule 2.2B of the Punjab Civil Services Rules, hence, it cannot be said that the judgments and decrees of the courts below are perverse.

4. No other argument is raised.

5. Keeping in view the above, no ground is made out for any interference by this Court with the judgments and decrees of the courts

below as no perversity has been pointed out by the learned counsel for the appellant.

6. Dismissed.

April 18th, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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