

2024.PHHC.169433



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

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CWP-11465-2021

Date of Decision: 17.12.2024

SHRI BHAGWAN GOYAL

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: None for the petitioner.

Mr. Suneel Ranga, DAG, Haryana (*Through video conference*).

Mr. R.D. Bawa, Advocate for respondents No.2 to 12.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the charge-sheet dated 09.04.2021 issued by respondent No.3-Under Secretary/HR-1, Uttar Haryana Bijli Vitran Nigam, Panchkula on the ground that the same has been issued in violation of Haryana Civil Services (Pension) Rules, 2016 and UHBVN Employees (Punishment & Appeal) Regulations, 2018. A further prayer has been made for directing the respondents to release the gratuity, commutation of pension, 100% pension alongwith interest.

Short reply by way of affidavit of Vishal Goyat, Executive Engineer, City Division, UHBVN, Panipat has been filed, as per which the charge-sheet was issued to the petitioner on 09.04.2021 regarding special audit for the period November 2002 to May 2013 conducted on account of allegations of misappropriation and embezzlement of the Nigam revenue upto 31.01.2017. The

petitioner was posted as Sub-Divisional Officer (Operation), City Sub-Division, UHBVNL Panipat from February 2009 to July 2010. Pursuant to the receipt of audit report dated 31.01.2017, the charge-sheet was served upon the petitioner on 09.04.2021.

As per the Haryana Civil Services (Pension) Rules, 2016, a pension can be ordered to be withheld under Rule 12 in the event the departmental proceedings are instituted while the govt. employee was in service, but not in respect of an event that took place more than four years before such institution.

Learned counsel appearing on behalf of the respondents-Distribution Licensee is not in a position to dispute that the audit report in the present case was received on 31.01.2017, whereas the charge-sheet had been served upon the petitioner on 09.04.2021 i.e. after a period of more than four years of the event having come to notice. Hence, the proceedings would be prohibited under Rule 12 (2)(b).

The present petition deserves to be allowed. Resultantly, the charge-sheet dated 09.04.2021 served upon the petitioner is set aside. The respondents are directed to release all admissible retiral benefits in favour of the petitioner within a period of three months of the receipt of certified copy of this order, failing which, the respondents shall be liable to pay interest at the rate of 6% from the date when the dues became payable till the date of actual disbursement.

Petition stands allowed accordingly.

DECEMBER 17, 2024.
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(VINOD S. BHARDWAJ)
JUDGE

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