



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CWP-10960-2024
Narinder Pal Singh
... Petitioner

Versus
State of Punjab and another
... Respondents

2. CWP-10994-2024
Arun Kumar
... Petitioner

Versus
State of Punjab and another
... Respondents

3. CWP-11075-2024
Mukesh Kumar Goel
... Petitioner

Versus
State of Punjab and another
... Respondents

Date of decision : 13.05.2024

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sarthak Gupta, Advocate
for the petitioners.

Mr.T.P.S. Walia, AAG, Punjab.



VIKAS BAHL, J.(ORAL)

1. This order will dispose of three writ petitions, i.e., CWP-10960-2024 filed by Narinder Pal Singh, CWP-10994-2024 filed by Arun Kumar, and CWP-11075-2024 filed by Mukesh Kumar Goel as common question of law and fact arises in the present three writ petitions.

2. Prayer in the writ petitions is for quashing the charge sheets issued to the petitioners as well as subsequent orders appointing Enquiry Officers. Learned counsel for the petitioners has submitted that in the present bunch of cases, the petitioners have already retired, prior to the issuance of the charge sheets and the alleged incidents are also 4 years prior to the date on which the charge sheets have been issued and thus, the proceedings initiated against the petitioners are barred under Rule 2.2(b) of the Punjab Civil Services Rules, Volume-II. It is submitted that the said plea has been specifically raised in the respective replies filed to the said charge sheets but however, the authority did not take into consideration the said plea and has further proceeded to appoint enquiry officers in each case. It is further submitted that the impugned orders deserve to be set aside and the competent authority be directed to reconsider the matter in the light of the replies filed by the petitioners to the charge sheets moreso, on the aspect of Rule 2.2(b).

3. Learned State Counsel appearing on behalf of the respondents has fairly stated that the competent authority of the respondent-State would reconsider the matter and would pass a speaking order in each of the three cases with respect to the plea based on Rule 2.2(b) which has been raised in the respective replies, within a period of six weeks from the date of receipt of certified copy of the present order and further proceedings would be kept in



abeyance till a speaking order considering the plea of Rule 2.2(b) is passed by the competent authority in each of the three cases. It is submitted that the impugned orders be set aside.

4. Keeping in view the abovesaid facts and circumstances and fair stand taken by learned State Counsel, the present civil writ petitions are partly allowed and the impugned orders Annexure P-3 (in each case) are set aside and direction is issued to the competent authority of the respondent-State to pass a speaking order in each of the three cases within a period of six weeks from the date of receipt of certified copy of the present order after considering the plea of the petitioners on the aspect that the proceedings are barred under Rule 2.2 (b), as raised by the petitioners in their respective replies (Annexure P-2) and till the time the said decision is taken, the proceedings in pursuance of the charge sheets shall remain stayed.

5. It is made clear that this Court has not opined on the merits of the cases 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.

(VIKAS BAHL)
JUDGE

May 13, 2024
Davinder Kumar

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