



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110+274)

CM-14263-CWP-2024 in/and
CWP No. 13949-2023 (O&M)
Date of Decision : 11.09.2024

Vijay Kumar Dogra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dharmender Singh Rawat, Advocate for the petitioner.

Mr. T.P.S. Chawla, Senior Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

CM-14263-CWP-2024

Present application has been filed for placing on record
Annexure P-5.

Application is allowed and Annexure P-5 is taken on record.

CWP-13949-2023

1. In the present petition, the grievance being raised by the petitioner is that a charge-sheet dated 20.04.2020 has been served upon the petitioner and that too after a period of five years of his retirement, which is not permissible keeping in view the rules governing the service, hence, the said charge-sheet is liable to be set-aside keeping in view Rule 2.2(b) (2) (ii) Vol. II Part I, Chapter II of the Punjab Civil Services Rules.



2. Learned counsel for the petitioner submits that the said Rule has already been interpreted by this Court while passing order in CWP No. 12564 of 2021 titled as ***Raghubir Singh Vs. State of Punjab and others***, decided on 22.08.2024, hence, the present petition be allowed keeping in view the settled principle of law settled in ***Raghubir Singh (supra)***.

3. Learned State counsel though concedes the factum that the allegation alleged in the charge-sheet relates to an event which happened more than four years prior to the date when the charge-sheet was served but submits that as, the factual position regarding the allegation only came to the knowledge of the department at a later stage, the charge-sheet was served.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It is a settled principle of law that after the retirement, the disciplinary proceedings can only be initiated in case the power exists with the employer. As far as the present case is concerned, the petitioner retired in the year 2015 and the impugned charge-sheet as served in April, 2020. Further, as per Rule 2.2 (b) of the Punjab Civil Services Rules, a charge-sheet can only be served upon a retiree in respect of an event, which is not more than four years old on the day when the charge-sheet is served.

6. In the present case, the petitioner had retired 05 years before the impugned charge-sheet was served upon him, hence, no charge-sheet could have been served upon the petitioner by the respondents as per Rule 2.2(b) of the Punjab Civil Services Rules. The issue raised in the present petition with regard to the jurisdiction of the respondents to serve a charge-sheet after a



period of 04 years of retirement in terms of Rule 2.2 (b) of the Punjab Civil Services Rules, which law has already been settled in ***Raghbir Singh (supra)***.

7. Learned counsel for the respondents has not been able to dispute the settled proposition of law keeping in view the rules governing the service. Merely that the allegation came to the knowledge of the respondents after the retirement of the petitioner will be no ground as the Rule only gives power to the State to serve a charge-sheet on a retiree only with regard to an allegation within 04 years of the issuance of the charge-sheet.

8. Keeping in view the facts and circumstances of the present case and the law settled in ***Raghbir Singh (supra)***, the present petition is allowed. The charge-sheet dated 20.04.2020 is set-aside along with consequential proceedings, if any.

9. Pending miscellaneous application, if any, also stands disposed of.

September 11, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No