



CWP-17630-1999

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-17630-1999

Date of Decision :08.01.2025

Jagir Singh

...Petitioner

Versus

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.D. Bawa, Advocate with Mr. Samuel Gill, Advocate
and Mr. Randhir Bawa, Advocate for the petitioner.

Ms. Shruti, AAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that he had retired from service on attaining the age of superannuation on 31.03.1999 and after a period of approximately two months, a charge sheet was issued to him on 01.06.1999 relating to the incident of year 1986 while the petitioner was working on deputation with PUNSUP, which act on the part of the respondents is arbitrary and illegal and contrary to the rules governing the service.

2. Learned counsel for the petitioner argues that keeping in view the provisions of Rule 2.2. (b) of the Punjab Civil Services Rules, Vol.II after the retirement of an employee, no charge sheet can be served upon him/her with regard to the incident which is more than four years old when the charge sheet is served hence, the charge sheet dated 01.06.1999 is liable to be quashed.

3. Learned counsel for the petitioner submits that the issue raised in the present petition has already been considered by this Court in somewhat similar circumstances in CWP-12564-2021 where the charge sheet was issued after retirement in respect of the allegations which were four years old and this Court has already held that the State has no jurisdiction to issue charge sheet after retirement and hence, the charge sheet dated 01.06.1999 (Annexure P/4) issued to the petitioner after his retirement, may kindly be set aside.

4. Learned counsel for the respondent-State submits that the petitioner was on deputation and they did not know about the allegations alleged against the petitioners in the year 1986 and it is only after the retirement of the petitioner, the said allegations were brought to the notice of competent authority by the PUNSUP and thereafter, the charge sheet dated 01.06.1999 (Annexure P/4) was issued to the petitioner.

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

6. It may be noticed that after the retirement of an employee, the disciplinary proceedings which are pending, can continue but for initiating the disciplinary proceedings after retirement, the power has to be derived from Rule 2.2 (b) of the Punjab Civil Service Rules according to which, a charge sheet after the retirement can only be served in respect of the incident which is within the period of four years prior to the date when the charge sheet is issued.

7. In the present case, the allegations alleged in charge sheet dated 01.06.1999 relates to the incident of the year 1986 hence, it cannot be said

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that the disciplinary proceedings sought to be initiated against the petitioner are within the period of four years of serving the charge sheet .

8. Further, the said issue has already been decided by this Court while passing order in **CWP-12564-2021 titled as, Raghbir Singh vs. State of Punjab and others, decided on 22.08.2024** wherein, in somewhat similar circumstances where the charge sheet was issued after the retirement qua the incident which was four years old, has been set aside.

9. Learned counsel for the respondent-State has not been able to rebut the rules governing the service as well as the law settled, which has been mentioned hereinbefore.

10. Further, the present writ petition was admitted in the year 1999 and has been listed after a period of 24 years and the proceeding with regard to the charge sheet had already been stayed by the Division Bench of this Court while issuing notice of motion, which were made absolute while admitting the present petition and no enquiry has been conducted so far.

11. That being so, charge sheet dated 01.06.1999 (Annexure P/4), which was issued by the respondents to the petitioner beyond their jurisdiction, is set aside.

12. Present petition is allowed of in above terms.

January 08, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

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