



LPA-912-2025

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

LPA-912-2025

**Date of Decision: August 22, 2025**

Krishan Kumar

.....Appellant

Vs

Home Secretary Haryana and others

.....Respondents

**CORAM:       HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA  
                  HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present :       Appellant in person.

Mr. Pankaj Middha, Addl. AG, Haryana.

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**ROHIT KAPOOR, J.**

1.               The present Letters Patent Appeal has been filed against the judgment and order dated 23.01.2025 passed by the learned Single Judge in CWP-1804-2025, whereby the writ petition filed by the Appellant, seeking quashing of the letters dated 07.03.2024 & 02.04.2024 recommending initiation of departmental proceedings, as well as letter/order dated 02.04.2024 directing initiation of such departmental enquiry, has been disposed off.

2.               Shorn of unnecessary details, the essential facts required to be noticed are that vide letter dated 07.03.2024, respondent No.8 recommended initiation of departmental enquiry against the appellant on the allegations of gross negligence in not handing back the case file of FIR No.299 dated 30.05.2019 registered at Police Station Sohna, Gurugram. It was alleged that the appellant was handed over the case file during his posting at the Police Station in question from 08.10.2022 to 14.02.2023, for the purpose of investigation. After his transfer to Police Station Sector-65, he was asked several times to hand over the charge of the file in question and other files, however, he



refused to do the needful. Other allegations regarding not completing the file with the necessary documents etc., were also made.

3. After the receipt of the said letter, respondent No. 5 vide letter dated 02.04.2024 sought permission for initiation of departmental enquiry from respondent No.

4. After examining the allegations against the appellant, respondent no. 4 was *prima facie* of the view that the departmental enquiry was required to be initiated against the appellant, and order dated 02.04.2024 was passed to that effect. Admittedly, the appellant participated in the enquiry proceedings and his statement was recorded on 27.04.2024 and as per the appellant, all the original documents which were alleged to be missing, were produced by him. During the pendency of the departmental enquiry, the appellant filed CWP No. 1804 of 2025, invoking the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India, challenging the initiation of the departmental action against him vide impugned letters and order dated 02.04.2024.

4. It was *inter-alia* alleged in the petition that the entire action is vitiated since the same is actuated in malice and the appellant was being victimized for honestly investigating the case involving influential people. It was also alleged that the departmental enquiry had been initiated with the intent to withhold the retiral benefits of the appellant, who retired on 30.04.2024 and was facing immense financial hardship on account the arbitrary action of the authorities. By referring to judicial precedents wherein it was held that departmental proceedings cannot be kept pending indefinitely, it was stated that despite the retirement of the appellant, the departmental proceedings were kept pending and no decision was being taken by respondent No.4.

5. The learned Single Judge disposed of the petition filed by the appellant, vide order dated 23.01.2025, which is reproduced as under:-

*"1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of departmental inquiry letter dated 07.03.2024 (Annexure P-1) and consequent proceedings.*



*2. On being pointed out by this Court that departmental proceedings are still pending and no final order has been passed, Mr. Navkesh Singh Goraya, Advocate submits that petitioner has already retired, thus, pending departmental proceedings are causing irreparable loss and his grievance at this stage would be redressed, if the respondents are directed to complete departmental proceedings in a time bound manner.*

*3. Faced with this, Mr. Raman Sharma, Addl. A.G., Haryana, who on advance notice is present in Court, submits that Disciplinary Authority would conclude departmental proceedings within 3 months from today.*

*4. Counsel for petitioner agrees to the aforesaid arrangement.*

*5. In the wake of statement of both sides, the present petition stands disposed of.*

*6. It is made clear that petitioner, if permissible by law would be released provisional pension within 4 weeks' from today and all retiral dues on conclusion of departmental proceedings subject to its outcome."*

6. Aggrieved from the aforementioned order passed by the learned Single Judge, the appellant has preferred the present Letters Patent Appeal.

7. Perusal of the grounds raised in the appeal would show that the same are re-iteration of the grounds raised in the writ petition. The primary grievance of the appellant is that the learned Single Judge should have allowed the petition instead of directing the disciplinary authority to conclude the departmental proceedings within a period of three months.

8. During the pendency of the present Appeal, a status report has been filed by the respondents, wherein it has been disclosed that the departmental enquiry stands concluded and respondent No. 4 vide its order of punishment dated 22.05.2025 has ordered to withhold 2% pension of the appellant, for five months, with immediate effect, under applicable provisions of Rule 12(1) of the Haryana Civil Services (Pension) Rules 2016 and other relevant disciplinary regulations. A copy of the order dated 22.05.2025 has been placed on record as Annexure R-2. It is further mentioned that in compliance of the order dated 23.01.2025 passed by the learned Single Judge in CWP-1804-2025, all retiral benefits including provisional pension, except gratuity and commutation, have

already been disbursed to the appellant. It is further stated that since the departmental enquiry against the appellant has been decided vide order dated 22.05.2025, accordingly the pending retiral benefits i.e. gratuity and commutation, will be released to the appellant in accordance with the rules at the earliest.

9. We have heard the appellant, who is present in person.
10. Apart from repeating the allegations as contained in the writ petition, the appellant has failed to answer as to how any cause of action survives in the present appeal after conclusion of the departmental proceedings, which stand culminated after the passing of the punishment order dated 22.05.2025. The appellant does not dispute that there is a remedy of statutory appeal against the said order.
11. In view thereof, nothing survives in the present appeal, which has become infructuous, and is dismissed accordingly.

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|-----------------|---------------------------------|-------------------------|
|                 | (ASHWANI KUMAR MISHRA)<br>JUDGE | (ROHIT KAPOOR)<br>JUDGE |
| August 22, 2025 |                                 |                         |
| ajaysharma      | Whether speaking/reasoned. :    | Yes/No                  |
|                 | Whether Reportable. :           | Yes/No                  |