IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision: 17.07.2025

CWP-13292-2022

MOHINDER SINGH CHAHAL ......Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER ....Respondents

CWP-13280-2022

SUBE SINGH NOONIA ......Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER ....Respondents

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

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Present: - Mr. Sunil Kumar Nehra, Advocate with
Mr. Viren Nehra, Advocate,
Mr. Rahil Mahajan, Advocate,
Mr. Arjun Dosanj, Advocate and
Ms. Meghna Nehra, Advocate
for the petitioner.

Mr. Rahul Dev, Addl. A.G. Haryana.

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VINOD S. BHARDWAJ, J. (Oral)

1. Espousing a common grievance emanating from the same departmental proceedings and alleging inordinate delay in the disbursement

of retiral dues, both these petitions have been instituted and are hence being disposed of by this common order.

2. Brief reference to the facts is, however, being made from ***CWP-13292-2022*** titled as ***"Dr. Mohinder Singh Chahal versus State of Haryana and another"***.

3. The petitioners, who were serving on the post of Sub Divisional Agricultural Officer, were appointed as members of a three-member Committee constituted for obtaining sealed quotations from the local market, in compliance to the order dated 13.07.2011 issued by the Deputy Director, Agriculture, Bhiwani. Prior to the constitution of the said Committee, the Deputy Director, Agriculture, Bhiwani had, vide communication dated 11.07.2011, addressed communication to various Government agencies seeking information as to whether the items proposed to be procured were available with them. Upon failure and refusal by the said Government agencies to indicate availability of the requisite stock, the aforementioned Committee was constituted solely for and strictly limited to obtaining sealed quotations from private agencies.

4. In compliance with the aforesaid mandate, the Committee obtained sealed quotations from different agencies and duly submitted the same to the office of Deputy Director, Agriculture, Bhiwani.

5. Subsequently, a purchase order was placed by the Deputy Director, Agriculture, Bhiwani on 14.07.2011 in favour of one M/s Agri

Clinic & Agri Business Centre, Bhiwani. Later, a complaint was purportedly received in relation to the said procurement, whereupon the Deputy Director, Agriculture, Bhiwani, vide communication dated 20.12.2011 addressed to the Additional Deputy Commissioner, clarified that no irregularity had been committed by the Purchase Committee in the procurement of the medicine 'Streptocycline'. Nevertheless, a preliminary enquiry was initiated, in which the petitioner was neither associated nor afforded any opportunity of hearing.

6. Eventually, a charge sheet dated 01.10.2012 was served upon to the petitioner by the Principal Secretary, Government of Haryana, Department of Agriculture. Even though, the petitioner was due to retire from service, on attaining the age of superannuation, on 31.10.2012. The petitioner duly filed a detailed and comprehensive reply to the said charge sheet. However, notwithstanding the same, the respondent-authorities proceeded to appoint a regular Inquiry Officer to conduct a departmental enquiry into the said charges. The charge of embezzlement reads thus:-

> *"That not discharging responsibility properly by Sh. Mohinder Singh Chahal as a member of the committee constituted by the Deputy Director of Agriculture for purchase of pesticides and in connivance with Sh. Pratap Singh Sabharwal, Deputy Agriculture Director, Bhiwani and other members of purchase committee make an embezzlement of Rs. 2013660/- in purchase of pesticides."*

7. The Enquiry Officer conducted a detailed enquiry into the matter and submitted his report dated 12.09.2014, wherein a specific finding was recorded to the effect that the charge pertaining to allegations of embezzlement of funds by the members of the Committee is not proved. The report, however, noted that a financial loss, assessed at Rs. 35,000/-, had allegedly occurred. The findings and conclusions as recorded by the Enquiry Officer in his report dated 12.09.2014 are reproduced hereinbelow for ready reference:—

> *"8. According to the situation discussed above, Sh. Mohinder Singh chahal cannot be held guilty in the matter of purchase of Streptocycline /Crocin A.G./ Nimocidin. But Sh. Mohinder Singh Chahal along with other concerned officers /employees is to be liable for financial loss up to Rs.35000/- (140000/4) of his share in this case for the financial loss caused to the Government in the matter of purchase of Malathion. In this entire case, any kind of complicity in their purchase with other related members and the rest of the allegations of embezzlement of money by them do not prove to be true."*

8. Learned counsel for the petitioner submits that a copy of the said enquiry report was served upon the petitioner vide memo No. 2714-Agri-1(5)-2014/1855 dated 05.02.2015, issued by the Additional Chief Secretary to the Government of Haryana, Department of Agriculture,

wherein it was conveyed that the competent authority concurs with the conclusions arrived at by the Enquiry Officer.

9. The petitioner, thereafter, submitted a detailed reply in response thereto. However, no final decision was taken by the respondent-authorities in respect of the said disciplinary proceedings until 06.11.2020, the same having been endorsed on 17.11.2020. It is further contended that the petitioner's retiral benefits were eventually released only in the year 2021.

10. While impugning the order of punishment, it is additionally submitted that the disbursement of the petitioner's retiral dues was unjustifiably withheld for an inordinate period of nearly eight years, and the petitioner is, therefore, entitled to interest on the said amount for the duration of such delay.

11. Learned counsel for the petitioner contends that the delay in the conclusion of the disciplinary proceedings was entirely attributable to the respondent-authorities, which failed to act with due diligence and promptitude. It is submitted that the inordinate and unexplained delay in finalizing the said proceedings over a prolonged period has resulted in considerable financial loss and prejudice to the petitioner.

12. Responding to the above, learned State Counsel contends that the retiral dues could not be released to the petitioner as, on the date of superannuation, disciplinary proceedings were pending against them. The report in this regard was submitted by the Inquiry Officer only in the year

2014, which was supplied to the delinquent officials in February 2015, and as the final decision on the same could not be taken, the respondents were entitled to withhold the retiral benefits till the disciplinary proceedings came to an end. It was upon the passing of the final order of recovery that the benefits were released to the petitioners without any inordinate delay, after making an appropriate adjustment.

13. He further submits that the delay in the conclusion of the disciplinary proceedings is equally attributable to the petitioners themselves, inasmuch as multiple opportunities for personal hearing were afforded, with the matter being listed on 14.05.2015, 17.10.2016, 16.12.2019, and 03.01.2020. However, the petitioner failed to appear on any of the aforesaid dates, despite having specifically sought an opportunity of hearing. It is in view of these circumstances that the final decision stood deferred. The delay, being a consequence of the petitioner's own lapses and omission to avail the opportunities granted, ought not to result in imposition of any financial liability upon the respondent-State.

14. He also places reliance of Rule 9.14 of Civil Services Rules regarding granting of pensionary benefits and places reliance of Rule 9.14 (c) as well as the office memorandum issued by the Finance Department on 20.02.2002 which reads thus:-

> ***"9.14 Provisional pension where departmental or judicial proceedings may be pension:-***

No gratuity shall be paid to the Government employee until the conclusion of the departmental or judicial proceedings and issue of final order thereon.

Provided that where departmental proceedings have been instituted under rule 10 of the Punjab Civil Services (Punishment and Appeal) Rule, 1970 for imposing any of the penalties specified in clauses (i), (ii) and (iv) of Rule 5 of the said rules, the payment of gratuity shall be authorised to be paid to the Government employee."

That the Government of Haryana Finance Department on 20.02.2002 issued office memorandum regarding payment of interest on delayed retrial benefits. The relevant portion of the same is as under: -

5. However, there instructions would not be applicable in cases where the payment of retiral benefits is withheld on account of disciplinary proceedings pending against the said employee at the time of his retirement. A further issue would also arise regarding payment of interest on the retiral benefits in case of such employees who are facing disciplinary proceedings at the time of their retirement/superannuation from Government service. These cases should be decided in the following manner:

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(ii) In case of an employee against whom disciplinary proceedings are pending at the time of

> *retirement, and the said employee is held guilty, partially or fully, of the charges levelled against him, no interest would be payable on the retiral benefits in his case till a period of three months from the date of final decision on the disciplinary proceedings. If the delay in these cases is beyond a period of 3 months of the date of decision on disciplinary proceedings and the employee concerned has completed the formalities on his part, interest on such dues may also be allowed from the date of decision of disciplinary proceedin till the date of payment."*

15. I have learned Counsel appearing on behalf of the respective parties and have gone through the documents appended alongwith the present writ petition.

16. Insofar as the challenge to the order of punishment dated 06.11.2020, as endorsed on 17.11.2020, whereby recovery of an amount of Rs. 17,500/- towards alleged financial loss has been directed, is concerned, the same pertains to a matter of trivial financial consequence, and for that reason, this Court is not inclined to exercise its writ jurisdiction or to interfere with the said order of recovery although there may be some force in the submission that the petitioners were required only to obtain the sealed quotation.

17. Now adverting to the issue as to whether the petitioner is entitled to interest on delayed disbursement of the financial benefits that

accrued in his favour upon retirement, it remains undisputed that the petitioner superannuated from service on 31.10.2012 and that a charge sheet had been served upon him on 01.10.2012. As such, the disciplinary proceedings were pending against him on the date of retirement, and consequently, the release of financial benefits stood deferred pending conclusion of the said proceedings.

18. It is, however, a matter of record that the Enquiry Officer submitted his report on 12.09.2014, and the same was duly accepted by the competent authority vide endorsement dated 15.02.2015. Thereafter, the matter continued to remain pending for passing of a final order. While the statutory embargo on release of retiral benefits during pendency of disciplinary proceedings is not in dispute, it is equally incumbent upon the competent authorities and statutory functionaries to ensure timely conclusion of such departmental proceedings. Any inordinate and unexplained delay on the part of the disciplinary authority in finalizing or concluding the proceedings results in avoidable financial hardship to retired employees.

19. Though the respondents assert that the petitioner had himself requested for a personal hearing but failed to appear on the dates fixed, it is also an admitted position that the final order was passed only on 06.11.2020, directing recovery of the alleged financial loss. Be that as it may, in so far as the first date of hearing i.e. 14.05.2015 is concerned, the petitioner has specifically averred in the present writ petition that the communication conveying the said date was received by him only on 19.05.2015, and

immediately upon such receipt, he submitted a representation to the competent authority highlighting the delay in service of notice and seeking rescheduling of the hearing.

20. Further reference has also been made to the pleadings in *CWP No. 13280 of 2022*, titled *Sube Singh Noonia v. State of Haryana and another*, wherein a categorical assertion was made to the effect that the petitioner therein had appeared on all the dates fixed for hearing and that on each such occasion, he was informed by the authorities that the matter stood deferred and that the next date would be intimated in due course. The communications in this regard, which corroborate the said assertion, have been placed on record and are specifically pleaded in paragraphs 15 to 20 of the present writ petition. Notably, the said pleadings have not been traversed, disputed, or denied by the respondents in their written statement.

21. It further emerges from the record that after the first hearing fixed on 14.05.2015, the next date was listed only on 17.10.2016, after a gap of one year and five months. The subsequent hearing was scheduled after an interval of three years and two months, on 16.12.2019, followed by the next date on 03.01.2020. Thereafter, the impugned order was passed by the respondents after a further lapse of ten months, during which no hearing was held or notice issued to the petitioner.

22. As the specifically pleaded case of the writ petitioner in *CWP No. 13280 of 2022*, titled *Sube Singh Noonia v. State of Haryana and another* is that even on the dates when the matter was listed for hearing, no

effective hearing took place and the same was adjourned on administrative grounds, it clearly reflects that the authorities had been functioning in a lackadaisical manner, acting at their own leisure, rather than exhibiting the requisite sensitivity to the issue at hand or taking an expeditious decision, especially in view of the fact that the petitioners had already superannuated after having rendered long years of service.

23. Even though the applicable rules do not prescribe any specific timelines within which the competent authority is required to take a decision on pending disciplinary proceedings, it is nevertheless the mandate of law that, in the absence of such prescribed time limits, all such decisions must be taken within a reasonable period. In my considered opinion, once the respondent-authority became seized of the matter on 15.02.2015, upon supply of the enquiry report and having recorded concurrence therewith, the reasonable period for final adjudication of the pending disciplinary proceedings commenced from that date.

24. Insofar as determination of reasonable time is concerned, there have been various instances, depending on a case-to-case basis, where the period ranging from six to twelve months has been held to be a reasonable time for adjudication of an issue brought before the competent authority.

25. In view of the above, I am of the opinion that the reasonable time within which a disciplinary proceeding ought to be finally decided by the competent authority, once all material is before it, is six months from the receipt of the final enquiry report and its acceptance or dissent by a show

cause notice. The said period of six months in the instant case would commence from the date of issuance of the show cause notice for finalization of the disciplinary proceedings. Since the said period, in the present case, would come to an end in August, 2015 and March, 2015, the petitioner(s) would accordingly be entitled to claim interest at the rate of 6% per annum with effect from August, 2015 in CWP-13292-2022 and with effect from March, 2015 in CWP-13280-2022 (Since notice to him was served in September, 2014) until disbursement of the final benefits.

26. Let the aforesaid interest be released in favour of the petitioner(s) within a period of 03 months of receipt of certified copy of this order, failing which the petitioner shall become entitled to claim interest @ 7.5% per annum which such additional financial liability may be recovered by the Government from the officer who is found responsible for delay in such disbursement.

Both petitions are partly allowed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 17, 2025
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No