



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-11984-2025 (O&M)
Date of decision: 04.12.2025

Raj Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl. A.G., Haryana.

Ms. Mansi, Advocate
for Mr. Padamkant Dwivedi, Advocate
for respondents No.2 and 3.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the charge-sheet No.1572 dated 21.05.2024 (Annexure P-2) and charge sheet No.1575 dated 21.05.2024 (Annexure P-3) and impugned order dated 22.05.2024 (Annexure P-4) to the extent whereby the retiral dues amount of the petitioner i.e. Rs. 9,03,598/- has been withheld including further consequential proceedings arising out of the impugned charge-sheets. Further a writ of *mandamus* has been



sought, directing the respondent No.2 to release the retiral dues amount of Rs. 9,03,598/- to the petitioner along with interest @ 18% per annum from the date of retirement i.e. 31.05.2024, till its realization.

2. Learned counsel for the petitioner, *inter alia*, contends that the grievance raised by the petitioner in the instant writ petition, is squarely covered by the judgment rendered by this Court in ***Hardeep Singh vs State of Haryana and another***, passed in CWP-9325-2024, decided on 27.01.2025 (Annexure P-9) as well as the judgment of this Court in CWP-25369-2018, titled as ***Shaminder Singh vs The Punjab Agro Industries Corporation and another***, decided on 30.09.2019, along with other bunch of petitions (Annexure P-5). He further submits that the disciplinary proceedings were initiated against the petitioner on the date of his retirement. The foundational charge against the petitioner is regarding moisture gain although, the petitioner was working as a Security Guard. Further, there is no Rule which grants power to the respondents to initiate or continue disciplinary proceedings against any retired employee especially when the post on which the petitioner was working is a non-pensionable post. The respondent/Corporation has tried to justify the issuance of charge-sheets by relying upon Rule 2.2(b) of the Punjab Civil Services (Punishment & Appeal) Rules, Chapter I, Volume II. Further, this Court in ***Shaminder Singh's case (supra)*** and ***Hardeep Singh's case (supra)***, has considered the identical controversy and has come to the conclusion that Rule 2.2(b) *ibid* is not applicable to the employees who are working on non-pensionary establishment.



Further this Court in **CWP-26704-2015**, titled as ***Ram Sawrup vs State of Haryana and others***, **CWP-6960-2016**, titled as ***Ram Dhari vs State of Haryana and others***, decided on **10.07.2019** (Annexure P-6), has conclusively held that an employee cannot be penalised and held financially liable for storage related weight or moisture losses in the absence of specific statutory rules formulated in this regard. Moreover, the applicable Rules governing the services of the petitioner has no provision for awarding punishment on account of less storage gain. As such, the fundamental charge against the petitioner is not based upon any statutory mandate and in an identical circumstances, the charge-sheets issued to a similarly situated employees of the petitioner, have been set-aside by this Court in **CWP-18655-2022**, titled as ***Laxmi Chand vs Haryana Agro Industries Corporation Limited and another***, decided on **26.04.2024** (Annexure P-7), **CWP-26606-2021**, titled as ***Jawahar Singh vs State of Haryana and others***, **CWP-4345-2022**, titled as ***Jasbir Singh vs State of Haryana and others*** and **CWP-6409-2022**, titled as ***Jawahar Singh vs State of Haryana and others***, decided on **19.07.2022** (Annexure P-8).

3. Learned counsel for the petitioner further submits that there are no norms fixed for showing less gain in the moisture content and this issue already stands settled in **CWP-4667-2016**, titled as ***Devat Ram vs Managing Director, The Haryana State Federation of Consumer's Cooperative Wholesale Stores Ltd. and another***, decided on **06.02.2019**, in which reliance has been placed upon number of



precedents. As such, the legal position on this issue is well-settled by established precedents.

4. *Per contra*, learned counsel for the respondents is not in a position to distinguish the case of the petitioner from the similarly situated employees in the case law cited by learned counsel for the petitioner. Learned counsel for the respondents further could not controvert the fact that the case of the petitioner is also covered by the aforesaid cited case law.

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

6. From the perusal of the record, this Court finds that the petitioner's case is fully covered by aforementioned judgments cited by learned counsel for the petitioner, including ***Hardeep Singh's case (supra)*** and ***Shaminder Singh's case (supra)***, wherein it was held that disciplinary proceedings cannot be initiated or continued against retired employees holding non-pensionable posts. The foundational charge against the petitioner, relating to moisture gain, is unrelated to his duties as a Security Guard and has no statutory or rule-based foundation. Rule 2.2(b) of the Punjab Civil Services (Punishment & Appeal) Rules, Chapter I, Volume II, relied upon by the respondents is inapplicable in the present context as there are no norms for determining less storage gain or moisture loss, making any penalty legally unsustainable. The respondents have failed to distinguish the petitioner's case from



similarly situated employees whose charge-sheets were set-aside by this Court in prior cases.

7. Further, it is apposite to mention here that in ***Ram Sawrup's case (supra)***, a reference was also made to the judgment rendered by the Division Bench of this Court in **LPA-1272-2015**, titled as ***State of Haryana and others vs Haryana Food and Supplies Field Staff Association and others***, decided on **10.09.2015**. In spite of the categoric holding, the respondents have issued charge-sheets to the petitioner holding him liable for the loss in storage weight due to less gain in moisture, even though no provision in the applicable Rules allow for it. As such, the impugned charge-sheets and subsequent proceedings are in the teeth of the ratio of law as laid down by this Court in ***Ram Sawrup (supra)*** and thus, deserve to be set-aside.

8. In view of the foregoing discussions and the settled legal position as established in the judgments cited hereinbefore, this Court finds that the impugned charge-sheets and the withholding of the petitioner's retiral dues are without any legal or statutory basis. The disciplinary proceedings initiated against the petitioner post-retirement, relating to moisture gain while serving as a Security Guard, are wholly unsustainable and are liable to be set-aside.

9. Consequently, the writ petition is allowed. The charge-sheets dated 21.05.2024 (Annexure P-2); dated 21.05.2024 (Annexure P-3) are set-aside and the impugned order dated 22.05.2024 (Annexure P-4) to the extent of withholding the retiral dues of the petitioner to the



tune of Rs.9,03,598/- is also set-aside. The respondents are directed to release the retiral dues of the petitioner amounting to Rs.9,03,598/- along with simple interest at the rate of 6% per annum, to be calculated from the date of retirement, i.e., 31.05.2024, till its realization. The necessary payment shall be made to the petitioner within a period of three months from the date of receipt of certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

04.12.2025

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