



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

634

Date of decision: 07.02.2025

CWP-656-2008

KALU RAM (DECEASED) THROUGH HIS LRS

.....Petitioners

VERSUS

STATE OF HARYANA & OTHERS

.....Respondents

CWP-16855-2012

KALU RAM (DECEASED) THROUGH HIS LRS

.....Petitioners

VERSUS

STATE OF HARYANA & OTHERS

.....Respondents

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

Present: - Mr. Bikram Chaudhary, Advocate
for the petitioner.

Mr. P.C. Goyal, Addl. A.G. Haryana.

Ms. Anu Malika, Advocate for
Mr. H.S. Oberoi, Advocate
for respondents No. 4 and 5 in CWP-16855-2012.

VINOD S. BHARDWAJ, J. (Oral)

As both these writ petitions are inter related, the same are being
decided by a common order.

**CWP-656-2008 & CWP-16855-2012**

-2-

2. A brief reference to the controversy is, however, being made from *CWP-656-2008* titled as “*Kalu Ram (Deceased) through his LRs versus State of Haryana and others*”.

3. Challenge in the instant writ petition is to the charge sheet served upon the petitioner on 02.11.2007 whereby the respondents initiated proceedings under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987.

4. Learned Counsel appearing on behalf of the petitioner contends that the petitioner had joined the service of State of Haryana as Patwari on 26.02.1975 and was later promoted as Kanungo in the year 2000. He submits that the petitioner was incriminated in case FIR No. 29 dated 19.12.2005 registered under Section 7 and 13 of the Prevention of Corruption Act, 1988 registered at Police Station Haryana State Vigilance Bureau, Hisar on the complaint of one Baldev Singh (son of Balwant Singh) regarding demarcation of a plot. The final report was filed against the petitioner and the trial was held. The petitioner was acquitted by the Special Judge, Jind in Sessions Case No. 3 of 10.02.2006 vide judgment dated 23.05.2007. He further submits that after the judgment of acquittal on 23.05.2007, the respondents passed an order of compulsory retirement against the petitioner. The said order of compulsory retirement was challenged by the petitioner by way of Civil Suit No. 283 of 31.08.2007. An Ad-interim injunction was granted vide order dated 31.08.2007 restraining the respondents from retiring the petitioner which was made absolute from 15.09.2007. Thereafter,

**CWP-656-2008 & CWP-16855-2012**

-3-

the respondents recorded an adverse entry in the ACR of the petitioner on 01.10.2007 and served a charge sheet on 02.11.2007 for initiating departmental enquiry under Rule 7 despite imposition of penalty of compulsory retirement vide order dated 30.08.2007 on the same set of allegations and notwithstanding that the said order had been stayed. Accordingly, the above writ petition was filed.

5. Vide order dated 18.01.2008, notice of motion was issued and passing of the final order was stayed by this Court. He contends that an enquiry was conducted against the petitioner in the departmental proceedings initiated against him wherein the charges as regards the allegations of corruption were dropped and a report was furnished only as regards certain irregularity in maintaining the departmental discipline. No order of punishment was, however, passed. It is submitted that the Civil Suit against the order of compulsory retirement was, however, dismissed by the Civil Court whereupon an appeal was filed but the said appeal was also dismissed. Aggrieved thereof, Regular Second Appeal No. 4110-2011 was filed and the same has been admitted.

6. Counsel for the petitioner submits that the petitioner had in the meanwhile passed away on 12.11.2014 and that in view of the precedent judgment dated 25.04.2024 passed by this Court in *CWP-19498-2017* titled as "*Surender Lal Puri versus State of Haryana and another*" as well as judgment dated 17.01.2019 in *CWP-4695-2014* titled as "*S.K. Gupta versus*

**CWP-656-2008 & CWP-16855-2012**

-4-

Sarva Haryana Gramin Bank and others”, the disciplinary proceedings abate on demise of an employee.

7. Counsel for the petitioner submits that the second writ petition i.e. CWP-16855-2012 pertains to release of retiral benefits i.e. gratuity etc. to the petitioner in view of the order of compulsory retirement passed by the respondents on 30.08.2007.

8. The aforesaid factual aspects are not disputed by the Counsel for the respondent-State and he does not deny that no final order of punishment has been passed in the disciplinary proceedings that were initiated vide charge sheet dated 02.11.2007. The claim of death of the petitioner is also denied for want of knowledge. He, however, does not dispute the proposition of law laid down by this Court in the judgments cited *supra*.

9. Under the said circumstances, that insofar as **CWP-656-2008 is concerned, the same is disposed of as having been rendered infructuous** in view of abatement of the cause of action on account of demise of the petitioner on 12.11.2014.

10. So far as CWP-16855-2012 is concerned, the respondents having themselves passed an order of compulsory retirement against the petitioner, the admissible retiral benefits are required to be released to the legal representatives of the petitioner. Let the said exercise be undertaken by the respondents within a period of two months of receipt of certified copy of this order and the benefits be released to the Legal representatives of the



CWP-656-2008 & CWP-16855-2012

-5-

petitioner alongwith interest @ 6% per annum from the date it fell due.

Hence, **CWP-16855-2012 is accordingly allowed.**

(VINOD S. BHARDWAJ)

FEBRUARY 07, 2025

JUDGE

Vishal Sharma

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