

**CWP-16150-2022 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CWP-16150-2022 (O&M)****Date of Decision: 10.07.2025****Sukhdev Singh**

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

Present Mr. Sanjeev Kumar Arora, Advocate
for the petitioner.

Mr. Vipin Pal Yadav, Additional Advocate General,
Punjab.

Sheel Nagu, C.J.(Oral)

1. The present writ petition assails issuance of charge-sheet dated 09.07.2021 (Annexure P-1) on the ground that the same has been issued in blatant violation of the bar contained in Rule 2.2 (b), Note 2, Clause (b) proviso (i) & (ii) of the Punjab Civil Services Rules, Volume II which are reproduced for ready reference:-

2.2 (b) "The Government further reserve to themselves the right of withholding or withdrawing a pension or any part of it, whether permanently or for a specific period and the right of ordering the recovery from a pension of the whole or part of any pecuniary loss caused to Government, if in a departmental judicial proceedings, the pensioner is

found guilty of grave misconduct or negligence, during his service including service rendered on re-employment after retirement.

Provided that—

(1) such departmental proceedings, if instituted while the officer was in service whether before his retirement or during his re-employment shall after the final retirement of the officer, be deemed to be a proceeding under this article and shall be continued and concluded by the authority by which it was commenced in the same manner and as if the officer had continued in service.

(2) such departmental proceedings, if not instituted while the officer was in service whether before his retirement or during his re-employment—

(i) shall not be instituted save with the sanction of the Government;

(ii) shall not be in respect of any event which took place not more than four years before such institution;”

2. The short point involved in the present writ petition is as to whether the charge-sheet for initiation of disciplinary proceedings issued after retirement of the petitioner (petitioner attained the age of superannuation on 30.09.2020) can be in regard to an incident which is more than four years old.

3. The aforesaid rule places a complete bar for issuance of a charge-sheet when issued after the date of superannuation in regard to any incident which took place four years before the issuance of the charge-sheet.

4. In the present case the charge-sheet which was issued on 09.07.2021 (Annexure P-1) reveals that the date of misconduct is between

16.03.2000 to 16.10.2000 which was about 21 years before the issuance of charge-sheet issued after the superannuation of the petitioner.

5. Thus, the impugned charge-sheet cannot survive the test of law and has to be quashed on anvil of Rule 2.2 (b) of the Punjab Civil Services Rules, Volume II.

6. Accordingly the present writ petition stands allowed and the chargesheet and the consequential proceedings arising therefrom stand quashed.

7. It is further contended that because of the issuance of the impugned charge-sheet the gratuity amount, leave encashment and the amount under Group Insurance Scheme has been unduly withheld. It is, however, informed that the petitioner has received 100% pension.

8. Since the charge-sheet has been held to be unlawfully issued, the petitioner is entitled not only to interest but also cost of this litigation. The gratuity which was withheld ought to be released within a period of 30 days along with interest at the rate of 9% per annum calculated from 30.09.2020 till date of payment.

9. Since the State of Punjab has unduly withheld the pensionary benefits of the petitioner, it is saddled with costs of Rs.25,000/- which shall be paid by the State to the petitioner within a period of 30 days.

10. The precious time of this Court has been wasted in adjudicating this avoidable piece of litigation which the petitioner was compelled to initiate due to cause given by the respondents in blatant violation of law. This litigation is de hors the very basic object of Litigation Policy of the State of Punjab. The State instead of conceding has filed affidavit running in

56 pages opposing the claim of petitioner tooth & nail. Thus, the act of respondents is nothing short of misusing the judicial process. Therefore the State is saddled with costs of Rs.1,00,000/- which shall be credited in favour of Poor Patients Fund, PGIMER, Chandigarh with liberty to State to recover the said cost from the salary of the authority issuing the impugned charge-sheet.

(SHEEL NAGU)
CHIEF JUSTICE

July 10, 2025
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Whether speaking/reasoned?	:	Yes/No
Whether reportable?	:	Yes/No