



CWP-19208-2024

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

(274)

CWP-19208-2024

Date of Decision : January 28, 2025

Gurdial Singh alias Gurdial Singh Sandhe**.. Petitioner****Versus****The State of Punjab and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Ankit Midha, Advocate, for the petitioner.

Mr. Solomon Partap Singh, AAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance being raised by the petitioner is that without any jurisdiction under the Punjab Civil Services Rules, after a period of five years of retirement, a charge-sheet has been served to the petitioner on 09.07.2024, copy of which has been appended as Annexure P-2 for an event having taken place on February, 2018 as the same is barred under Rule 2.2 (b) of the Punjab Civil Services Rules, Volume-II.

2. Learned counsel for the petitioner submits that the law on the said issue has already been settled more than once and as per the judgment of this Court in ***CWP No.25593 of 2021 titled as Satwant Singh Gill vs. State of Punjab and others, decided on 08.08.2024***, no charge-sheet can be issued after the retirement qua the allegation which was more than four years old on the date when the charge-sheet is served.

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3. Learned counsel for the petitioner further submits that the charge-sheet dated 09.07.2024 (Annexure P-2) is liable to be set aside.

4. Learned State counsel for respondent No.1 has not been able to dispute the fact that under rule 2.2 (b) of the Punjab Civil Service Rules, Volume-II after the retirement the charge-sheet can only be served qua an allegation which relates to the period which is within a period of four years of the date of issuance of the charge-sheet.

5. Keeping in view the above, as learned State counsel for respondent No.1 has not been able to dispute the issue that in the present case, the charge-sheet was served after a period of five years of retirement and the charges mentioned in charge-sheet relates to the period when the petitioner was in service, which fact makes it clear that the allegation sought to be enquired into, relate to a period, which is more than four years old on the date of serving of the charge-sheet, the same is not permissible. Learned State counsel has also not been able to rebut the applicability of ***Satwant Singh Gill's case (supra)*** in the facts and circumstances of this case.

6. The present writ petition is also allowed in terms of the findings recorded in ***Satwant Singh Gill's case (supra)*** and hereinafter the charge-sheet dated 09.07.2024 (Annexure P-2) along with any consequential proceeding is set aside.

January 28, 2025*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No