

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:112032



RSA-2811-2017 (O&M)
Reserved on : 19.08.2025
Pronounced on : 22.08.2025

Principal, Model School, Rohtak & anotherAppellant(s)

Versus

Geeta Rani & othersRespondent(s)

CORAM : HON'BLE MRS.JUSTICE SUDEEPTI SHARMA

Present: Mr.Deepak Girotra, Advocate, for the appellants.

Mr.R.K.Malik, Sr.Advocate with
Mr.Kartikey Chaudhary, Advocate, for respondent No.1.

SUDEEPTI SHARMA, J.

1. The present appeal is preferred against judgment and decree dated 13.10.2016, passed by Learned Additional District Judge, Rohtak whereby the appeal filed by respondent No.1 against judgment and decree dated 22.12.2012 passed by Civil Judge (Sr.Division), Rohtak is allowed and the Civil Suit filed by respondent No.1 is decreed in her favour.

2. The pleaded case, as per the Civil Suit is that respondent No.1 was appointed as Junior Teacher on 08.01.1997. Thereafter she was appointed as Principal in Model School, Jhajjar in December, 2002, for which post, she applied as per rules and after getting no objection from the appellant. She had submitted her resignation with the appellant on 21.08.2007 (Ext. P10) due to some domestic reasons but the same was not accepted.

3. As per the averments in the civil suit, respondent No.1 was relieved on 31.03.2004 by giving reference of her old resignation letter and as per the pleadings, the reason given by respondent No.1 for her relieving is that there was dispute between Chairman-cum-Deputy Commissioner, Model School, Jhajjar and respondent No.1. Thereafter, respondent No.1 joined her duties with Model School, Rohtak in July, 2004. However, she was suspended by the Management, Model School, Rohtak vide order dated 11.05.2005, without issuing any show cause notice. She challenged the suspension order by way of filing Civil Suit at Rohtak against the appellant but the said Civil Suit was withdrawn by her on 17.10.2007, since during the pendency of the said Civil Suit, her resignation was accepted but respondent No.1 reserved her right to get the salary for the suspension period. Thereafter, charge-sheet was issued against her in violation of Government instructions dated 16.10.1986. She was not given any opportunity to file reply and the Management had ordered for enquiry. The enquiry was not conducted as per rules and she was not given opportunity of being heard during the course of enquiry. The Enquiry Officer submitted his report stating that the charges against respondent No.1 were proved. Thereafter, show cause notice was issued against respondent No.1 dated 15.12.2008. Reply to the same was filed by her on 31.12.2008. But without considering the reply, punishment order dated 17.06.2009 was passed vide which she was intimated that her service benefits including pay of suspension period were withheld.

4. She filed Civil Suit challenging show cause notice dated 15.12.2008 alongwith punishment order dated 17.06.2009. The Civil Suit filed by her was dismissed vide judgment and decree dated 22.12.2012, passed by Civil Judge (Sr.Division), Rohtak. She filed appeal against the

same which was allowed vide judgment and decree dated 13.10.2016, passed by Additional District Judge, Rohtak. Hence, the present appeal.

5. Learned counsel for the appellants contends that Learned First Appellate Court has wrongly allowed the appeal filed by respondent No.1 on the ground that principles of natural justice were not followed, ignoring the facts as well as evidence on record. He further contends that Learned First Appellate Court has wrongly reversed the well reasoned finding given by Learned Civil Judge (Sr.Division), Rohtak vide its judgment and decree dated 22.12.2012. He relies upon judgment passed by Hon'ble Supreme Court in **State of Punjab & others v. Gurbaran Singh, 2019 (4) SCC 805** to contend that resignation from service would entail forfeiture of past service. He therefore prays that the present appeal be allowed and judgment and decree dated 13.10.2016, passed by Additional District Judge, Rohtak be set-aside.

6. Per contra, Learned Senior Counsel for respondent No.1 contends that enquiry report was accepted without calling for comments of respondent No.1, relies upon judgment passed by this Court in **Ramesh Kumar v. State of Haryana & others, 2006 (3) SCT 799**. He further contends that the witness who was not there in the list of witnesses was examined which is contrary to the principles of natural justice. Further contends that documents marked as Ext.D1, Ext.D2 and Ext.D3 were placed on record despite the fact that these documents were never supplied to respondent No.1. He relies upon judgment passed by Patna High Court in **Pramod Singh Chandravanshi v. Som Prakash Singh, 201 (17) RCR (Civil) 724** to contend that no punishment order can be sustained after cessation of the master-servant relationship. He, therefore, prays that the present appeal be dismissed.

7. I have heard Learned Counsel for the parties and perused the lower Court record with their able assistance.

8. A perusal of the record shows that Yogender Jain, who was examined as PW1 made the following admissions in his cross-examination:

(i) That in the list of witnesses (Ext.D3), the name of K.S.Khanna was not mentioned. It is further admitted that before examining said K.S.Khanna in the enquiry proceedings, no permission was sought from Enquiry Officer.

(ii) That as per Ext.D1, respondent No.1 was suspended by said K.S.Khanna and he had also issued charge-sheet.

(iii) That no reply was sought from respondent No.1 before passing the enquiry order.

(iv) That respondent No.1 was having requisite qualification for promotion to the post of PGT.

(v) That appellant framed service rules in the year 2007 which are not applicable in the case of respondent No.1 since she resigned prior to the framing of rules.

(vi) That in the Code of Conduct issued by CBSE, there is no provision for continuing the disciplinary proceedings after retirement/resignation of the employee.

(vii) That in the charge-sheet served upon respondent No.1, there was no mention of any rule/provision of the Code of Conduct issued by CBSE.

(viii) That during the enquiry proceedings, it came to the notice of the Enquiry Officer that respondent No.1 had resigned from service.

(ix) That in the complaint (Ext.D9) given by Professor Ms.Manju Khanna, it was mentioned that she had no evidence regarding the offer of bribe given by respondent No.1 to her.

(x) That no opportunity was given to respondent No.1 for filing her objection to the report of Enquiry Officer.

(xi) That as per letter (Ext.D10), the resignation of respondent No.1 was accepted unconditionally.

9. A perusal of the record further shows that as per Ext.P8 in the list of witnesses, name of only one witness namely Ms.Manju Khanna, Model School, Rohtak was mentioned. In the list of documents, only one letter dated 06.05.2005 was mentioned. In the complaint (Ext.P9), it was clearly mentioned that there is no evidence to prove the guilt of respondent No.1 for offering the bribe. During the course of enquiry, as reflected in the report (Ext.P12), one additional witness namely K.S.Khanna was shown to be examined as PW2. Some documents marked as Ext.D1, Ext.D2 and Ext.D3 were placed on record which were never supplied to respondent No.1 at the time of handing over charge-sheet. Respondent No.1 submitted her resignation on 21.08.2007, whereas departmental enquiry report was submitted on 17.11.2008. This shows that departmental enquiry continued even after acceptance of resignation. Further, before passing the order regarding acceptance of enquiry report, no show cause notice was given to respondent No.1.

10. A perusal of the lower Court record shows that while conducting the enquiry, principles of natural justice were not followed. Therefore, the appeal filed by respondent No.1 is rightly allowed by Additional District Judge, Rohtak vide its judgment dated 13.10.2016, which calls for no interference by this Court.

11. So far as judgment of Gurbaran Singh (supra), cited by the appellant is concerned, the same would not be applicable in the present case as judgment rendered in Gurbaran Singh (supra), was rendered in the context of Rule 7.5(1) of Punjab Civil Services Rules, Volume-I, Part-I and Rule 26 of Central Civil Services (Conduct) Rules, 1972. However, in the instant case, the Management-appellant does not operate under such rules.

12. So far as judgment cited by the respondent No.1 in Ramesh Kumar (supra) is concerned, Rule 7(6) of Haryana Civil Services (Punishment & Appeal) Rules, 1987 is discussed in the same which talks about the principles of natural justice. Therefore, the same would not be applicable for the same reasons that as per the appellant, there are no rules of Management.

13. The second judgment cited by respondent No.1 in Pramod Singh Chandravanshi (supra) is regarding Election Petition wherein it has been observed by Patna High Court that there cannot be any order of punishment in a departmental proceeding if the master-servant relationship comes to an end. If an employee tenders his resignation and the same is accepted without concluding the disciplinary proceedings, then pending disciplinary proceedings would become meaningless.

14. In the present case, it is manifest that principles of natural justice were not followed. After respondent No.1 submitted her resignation on 21.08.2007 (Ext.P-10), departmental enquiry report was submitted on 17.11.2008 and punishment order is dated 17.06.2009, i.e. after the submission of resignation. There is nothing on record to show that any FIR was lodged against respondent No.1 for alleged act of offering bribe to Principal-Ms.Manju Khanna on the basis of which complaint was made by her on 06.05.2005 (Ext.P9) and respondent submitted her resignation on

21.08.2007, which was duly accepted by the appellant. There is nothing on record to show as to when the complaint was made in the year 2005 and enquiry was to be conducted by giving show cause to the respondent, then why the resignation was accepted. Normally, in cases involving allegations of such nature, the disciplinary authority refrains from accepting the resignation until the conclusion of the enquiry, and normally, criminal proceedings are also initiated by way of filing FIR. The failure of appellant to adopt such a course of action renders the subsequent enquiry and punishment order unsustainable in the eyes of law.

15. In view of the above, the judgment dated 13.10.2016, passed by Learned Additional District Judge, Rohtak warrants no interference and is hereby upheld. Consequently, the present appeal stands dismissed.

16. All pending application(s), if any, also stand disposed of.

August 22, 2025
sailesh

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	Yes