



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

CWP-27087-2025

Date of decision: 11.09.2025

Tara Chand

....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sunil Kumar Bhardwaj, Advocate
for the petitioner.

Mr. S.S. Parmar, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order/letter dated 18.02.2025 (Annexure P-17) in the shape of reply of appeal dated 16.11.2014 (Annexure P-16).

2. Learned counsel for the petitioner at the very outset submits that he confines his prayer only to the extent of grant of interest on delayed payment of his retiral benefits. The petitioner retired on 31.01.2016, however, he was placed under suspension from 09.05.2011 to 25.03.2012. The disciplinary proceedings were initiated after a lapse of three years on 09.02.2015 and they were concluded only after two and a half years on 25.07.2017. The provisional pension was granted to the petitioner by commuting only the regular service, thereafter, the part of the withheld benefits were released on 29.11.2017 during the pendency of the writ petition filed by the petitioner in CWP No.613 of 2017. The aforementioned writ was disposed of vide order dated 03.09.2024



(Annexure P-15) and liberty was granted to the petitioner to make a representation for the interest pending. In compliance thereof, the petitioner submitted a representation dated 16.11.2024 (Annexure P-16) and it was rejected vide impugned letter dated 18.02.2025 (Annexure P-17) solely on the ground of pendency of disciplinary proceedings.

3. Mr. S.S. Parmar, Advocate puts in appearance on behalf of the respondents and submits that there is no time frame given in the service rules with regard to conclusion of the inquiry, as such, for the period with effect from 09.02.2015 to 25.07.2017, the petitioner is not entitled to the interest post retirement.

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

5. A Two Judge Bench of the Hon'ble Supreme Court in ***Prem Nath Bali vs. Registrar, High Court of Delhi and Anr. 2015 CWP No. 958 of 2010*** while speaking through Justice Abhay Maohar Sapre, made the following observations,

“31) Time and again, this Court has emphasized that it is the duty of the employer to ensure that the departmental inquiry initiated against the delinquent employee is concluded within the shortest possible time by taking priority measures. In cases where the delinquent is placed under suspension during the pendency of such inquiry then it becomes all the more imperative for the employer to ensure that the inquiry is concluded in the shortest possible time to avoid any inconvenience, loss and prejudice to the rights of the delinquent employee.

32) As a matter of experience, we often notice that after completion of the inquiry, the issue involved therein does not come to an end because if the findings of the inquiry proceedings have gone against the delinquent employee, he invariably pursues the issue in Court to ventilate his grievance, which again consumes time for its final conclusion.

*33) Keeping these factors in mind, we are of the considered opinion that **every employer (whether State or private) must make sincere endeavor***



to conclude the departmental inquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit. *Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within reasonably extended period depending upon the cause and the nature of inquiry but not more than a year.” (emphasis added)*

6. It transpires that the petitioner was placed under suspension on 09.05.2011 as discernible from Annexure P-1, whereas, the show cause notice was issued only on 09.02.2015 and the petitioner retired on 31.01.2016 and these proceedings are only concluded on 25.07.2017 and the pensionary benefits of the petitioner were released to him only on 29.11.2017. Even if there is no outer limit prescribed for concluding the disciplinary proceedings, the respondents as ‘model employer’ are required to conclude the disciplinary proceedings within a reasonable dispatch. In terms of ***Prem Nath Bali (supra)*** six months is a reasonable time as an outer limit to conclude departmental proceedings, even in the present case, had the respondent took measures to ensure prioritized conclusion of the departmental proceedings, 6 months would seem to be a reasonable time. The delay in issuing the charge sheet after almost four years and the time taken in inquiry, in the considered opinion of the Court, is not justifiable. Withholding the benefits and denying the interest for delay caused by the respondents-Corporation is arbitrary and violates the Article 14 of the Constitution of India. The delay in concluding disciplinary proceedings is attributable to the respondents, as such, the petitioner is entitled to interest for the delayed period and while calculating an interest on the delayed payments, period of six months be excluded on account of the time consumed for conclusion of the departmental inquiry.



7. In view of the discussion above, the present civil writ petition is allowed and the impugned order/letter dated 18.02.2025 (Annexure P17) in the shape of reply of appeal dated 16.11.2014 (Annexure P-16) are hereby set aside. The respondents are directed to release the interest to the petitioner on account of delay within a period of three months from the date of receipt of certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

11.09.2025

Neha

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