



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237

CWP-472-2024

Date of Decision: 14.05.2026

PREM SINGH

.....Petitioner

Vs.

STATE OF HARYANA AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ved Pal Malik, Advocate for the petitioner.

Mr. Piyush Khanna, Addl. A.G., Haryana.

Mr. Udit Garg, Advocate for respondent Nos.2 to 4.

HARPREET SINGH BRAR J. (Oral)

1. Instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of writ in the nature of certiorari seeking quashing/setting aside of the impugned memorandum bearing No.Hafed/Admin/A-6/1333 dated 27.04.2022 (Annexure P-4) issued by respondent No.2.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was appointed as a regular employee of the Haryana State Cooperative Supply and Marketing Federation Ltd. (HAFED) and was working as a Store Keeper. On attaining the age of superannuation, the petitioner retired from service of respondent-Federation on 30.04.2022. Further, just before his retirement, on 27.04.2022, the petitioner was issued a charge sheet on the allegation that he committed certain acts of omission and commission for storage loss in dispatch of Rice from August 2017 to July 2019 pertaining to stock of Food Corporation of India (FCI) dispatched from



M/s. Balaji Storage Sulhera, M/s. Rajwanti Vidyadevi PEG Smain and M/s Vinit Kumar Bhutani PEG, Dhamkora, District Fatehabad, in which abnormal shortages in Rice stock noticed by the FCI for which FCI deducted Rs.17,96,803/- from bills of respondent No.4 and the petitioner has been held responsible for 75% share, as per head office (respondent No.2) instructions issued vide letter No.Hafed/Admn/A-5/2479 dated 17.05.2011 amounting to Rs.13,47,602/-. Secondly that the petitioner used 20676 gunny bags of Hafed in above locations for refilling of Rice as made up bags but as per Head office letter No.Hafed/WH/PEG/Repl. Gunnies/AW-4/275 dated 25.02.2019, these gunny bags should have been taken back from FCI and petitioner failed to take these gunny bags from FCI. As such, Hafed has suffered loss to the tune of Rs.9,60,151/-. He further submits that the petitioner submitted a reply to the charge sheet wherein it has been categorically denied that the allegations leveled in the Memorandum of charge-sheet are false, baseless and frivolous. He further submits that the petitioner in his reply dated 11.05.2022 (Annexure P-2) submitted that storage loss shown by FCI is wrong and Rice was accepted in these private godowns under supervision of FCI Staff after assessing the quality and moisture of the Rice. Learned counsel for the petitioner further submits that the petitioner submitted his reply (Annexure P-2) to memorandum of charge sheet and categorically denied that he used gunny bags against the instructions of Hafed.

3. Learned counsel for the petitioner further submits that the issue as to whether the departmental proceedings, even if, initiated against an employee during service and continued after retirement as gone into the



judgment of the Hon'ble Supreme Court in ***Chandra Singh Vs. State of Rajasthan and another, 2003 (6) SCC 545***, wherein it has been authoritatively held that in the absence of any specific Rule to the effect that once an employee is permitted to retire, the proceedings cannot continue. Learned counsel further relied upon the judgment rendered by the Coordinate Bench of this Court in ***S.C. Jain Vs. Managing Director, Haryana State Federation of Consumers Cooperative Wholesale Stores Ltd. and another (CWP No.15247 of 2011)***, decided on 22.05.2013.

4. *Per contra*, learned counsel for the respondent-Federation opposes the prayer made by the petitioner on the ground that the petitioner has caused loss to the respondent-Federation of the huge amount, as such, in order to recover the amount, retiral dues of the petitioner has rightly been withheld.

5. Heard learned counsel for the parties and after perusal of the record of the case with their able assistance, it transpires that the petitioner retired on 30.04.2022 and just three days before his retirement, i.e. 27.04.2022, impugned charge sheet has been issued.

6. The issue whether departmental proceedings initiated against an employee during service can continue after his retirement is no longer res integra in view of the judgment rendered by this Court in ***CWP-12845-2023 titled as Mohinder Singh Vs. State of Haryana and others.***

7. Further, a two-Judge Bench of the Hon'ble Supreme Court in ***Bhagirathi Jena Vs. Board of Directors, OSFC, (1999) 3 SCC 666***, speaking through Justice S.S. Mohammed Quadri, opined as under: -

“5. In view of the absence of such provisions in the above said regulations, it must be held that the



Corporation had no legal authority to make any reduction in the retiral benefits of the appellant. There is also no provision for conducting a disciplinary enquiry after retirement of the appellant and nor any provision stating that in case misconduct is established, a deduction could be made from retiral benefits. Once the appellant had retired from service on 30.6.95, there was no authority vested in the Corporation for continuing the departmental enquiry even for the purpose of imposing any reduction in the retiral benefits payable to the appellant. In the absence of such authority, it must be held that the enquiry had lapsed and the appellant was entitled to full retiral benefits on retirement.”

(emphasis supplied)

8. In view of the discussion above, present writ petition is allowed and the impugned chargesheet dated 27.04.2022 (Annexure P-1) and all the subsequent proceedings thereto are hereby set aside. The respondents are directed to release all the retiral dues to the petitioner along with interest @ 6% per annum to be calculated after two months of his retirement i.e 30.04.2022 till its actual realization in view of the law laid down by the Full Bench of this Court in ***A.S. Randhawa, Superintending Engineer (Retd.) vs. State of Punjab, 1998 (1) SCT 343***, within a period of three months from the date of receipt of certified copy of this order.

9. The pending miscellaneous application(s), if any, shall stand disposed of.

14.05.2026

P. Seth

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes/No