

CWP-932 of 2019

2026:PHHC:073171



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

CWP-932 of 2019

Date of decision: 05.05.2026

Charanjit Singh

.....Petitioner

Versus

Financial Commissioner, Cooperation, Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Tahaf Bains, Advocate,
for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

NAMIT KUMAR, J.

1. Instant writ petition has been filed by the petitioner under Articles 226/227 of the Constitution of India, seeking a writ of *mandamus* directing the respondents to decide the legal notice dated 01.11.2018 (Annexure P-2), as the respondents have failed to disburse the gratuity payable to the petitioner on account of his retirement on 31.12.2016. Further, a writ of *certiorari* has been sought for quashing the charge sheet, issued vide Endst. No.3/40/2016-C.1(3)/3654 dated 18.05.2018 (Annexure P-2), issued in contravention of Rule 2.2(b) of the Punjab Civil Services Rules Volume II Part II, pertaining to an allegation extending to more than four years prior to the issuance of the charge sheet and no monetary amount has to be recovered from the petitioner, thus, the same is without authority.

2. Brief facts, as have been pleaded in the petition, are that the petitioner retired as Senior Assistant from Head Office, Registrar, Cooperative Societies, Punjab, on attaining the age of superannuation



on 31.12.2016. On the date of retirement, neither any charge sheet was pending against the petitioner nor any amount was recoverable from him. Despite his retirement, petitioner was not paid the amount of gratuity for which he made repeated representations to the department. However, vide letter dated 18.05.2018 (Annexure P-2), petitioner was issued charge sheet on the ground of negligence in performing duty while dealing with the application of pre-mature retirement of one Gurmail Singh, Junior Scale Stenographer. Despite pendency of criminal case against the said employee, the petitioner had put up a proposal for retirement w.e.f. 31.03.2014. Thereafter, on the directions of the competent authority dated 03.02.2014, a draft order incorporating without prejudice condition was prepared. However, the petitioner on 14.03.2014 re-submitted the proposal recommending premature retirement without any condition. As a consequence of which Registrar, Cooperative Societies, Punjab, approved the premature retirement of Gurmail Singh on 25.03.2014 without any condition. However, said Gurmail Singh along with others was convicted under Sections 307, 326, 324, 325, 148, 149 IPC and sentenced to imprisonment for a period of three years along with fine of Rs.50,000/- each, by the Court of learned Sessions Judge, SBS Nagar, vide judgment dated 19.03.2014. Thereafter, the petitioner served a legal notice dated 01.11.2018 (Annexure P-12) to the respondents seeking payment of withheld gratuity amount and withdrawal of charge sheet dated 18.05.2018 (Annexure P-2). However, no action was taken thereon by the respondents. Hence, the present writ petition.



3. Notice of motion in the present case was issued vide order dated 15.01.2019, and vide order dated 16.09.2019 passing of the final order was stayed in the departmental proceedings as the enquiry proceedings were completed. Reply by way of short affidavit of Dr. S.K. Batish, Additional Registrar (Administration), Cooperative Societies, Punjab, Chandigarh, on behalf of respondents No.1 and 2 has been filed. It has been averred in the reply that the petitioner had deliberately put up the wrong proposal dated 14.03.2014 of retirement of accused Gurmail Singh. Resultantly, Gurmail Singh was ordered to be retired as per his volition i.e. premature retirement, whereas he was required to be dismissed from service immediately. Due to this negligent act of the petitioner, a notice dated 16.09.2016 was served upon the petitioner prior to the date of his retirement i.e. 31.12.2016. Thereafter, charge sheet dated 18.05.2018 was served upon the petitioner and a regular enquiry was conducted.

4. Learned counsel for the petitioner contended that petitioner retired as Senior Assistant on 31.12.2016 and no departmental/disciplinary proceedings were initiated against him during the said period of service. He further contended that the charge sheet dated 18.05.2018 (Annexure P-2), which has been served upon the petitioner, has been issued in contravention of Rule 2.2(b) of the Punjab Civil Services Volume-II, Part-II. Learned counsel for the petitioner further submitted that the allegations, on the basis of which the charge sheet has been issued, are more than four years old from the date of issuance of the said charge sheet, which is not permissible.



5. Despite his best efforts, learned State counsel could not dispute the abovesaid factual position.

6. I have heard learned counsel for the parties and perused the record.

7. Rule 2.2(b) of the Punjab Civil Services Rules reads as under: -

“(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 specified 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 or judicial proceeding, the pensioner is found guilty of grave mis-conduct or negligence during the period of his service, including service rendered upon 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 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 more than four years before such institution; and



(iii) shall be conducted by such authority and in such place as the Government may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the officer during his service.

(3) No such judicial proceedings, if not instituted while the officer was in service, whether before his retirement or during his re-employment shall be instituted in respect of a cause of action which arose or an event which took place more than four years before such institution; and The Public Service Commission should be consulted before final orders are passed.”

8. The issue involved in the present petition as to whether the petitioner, who retired from service on attaining the age of superannuation, can be issued charge-sheet for initiation of disciplinary proceedings with regard to an incident which is more than four years old from the date of issuance of charge-sheet is no more *res integra*.

9. A perusal of the aforesaid Rule shows that a complete embargo has been imposed prohibiting holding of an inquiry against a retired employee for any event, which has occurred four years prior to the initiation of an inquiry, meaning thereby a departmental proceeding cannot be initiated against a Government employee in respect of an event, which had taken place more than four years prior to the date of initiation of inquiry.

10. This Court in ***Sukhjinder Singh v. Punjab State Civil Supplies Corporation Ltd. and another***, 2016(2) Law Herald 1322

while considering the same issue has held as under: -

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*“11. Similarly contention of the respondents that the matter having come to light in April, 2011, the impugned charge-sheet should be held to have been issued within the time frame prescribed under Rule 2.2 CSR, is untenable hence, rejected. A Division Bench of this Court in **R.C.Gupta v. PSEB, 2002(1) SCT 1136** has held as under:-*

“..... Faced with this difficulty the learned counsel for the respondent submitted that earlier it was not to the knowledge of the respondent with regard to the illegalities committed by the petitioner as the matter was pending with the Vigilance Department and on coming to know from the Vigilance Department the respondent authorities had initiated the action against the petitioner. But we are not convinced with the submission raised by the learned counsel for the respondent in view of Rule 2.2(b) of the Punjab Civil Services Rules which states that the departmental proceedings, if not instituted while the officer was in service, whether before his retirement or during his re-employment, shall not be in respect of any event which took place more than four years before such institution.

A reading of the rule would show that the defence taken up by the respondent is not open to it. Admittedly, the petitioner has been charge-sheet for the events of 1984 vide charge sheet dated 26.03.1999. Therefore, such charge sheet cannot be sustained in the eyes of law.”

12. The stipulation in the retirement order dated 31.10.2012, Annexure P1, that the petitioner's retirement is subject to decision of any pending/future department/recovery case cannot, in any manner, vest the department with any right to proceed in flagrant violation

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of the express provisions of Rule 2.2 (b) CSR. Such a stipulation would enable the employer to by-pass the specific provisions of law with impunity. Accepting such an interpretation would mean that the employer would be at liberty to initiate action against an employee after a lapse of any number of years of the event in question simply because of such a stipulation in respect to any proceeding which may be initiated by the department in future. Such an interpretation is clearly not permissible. Pendency of any other proceedings against the petitioner has not been brought to my notice.

13. *Action of the respondent-Corporation in issuing the impugned charge-sheet dated 24.03.2015, Annexure P2, is clearly in violation of Rule 2.2 CSR.*

14. *Keeping in view the facts and circumstances of the case, this writ petition is allowed. Charge-sheet dated 24.03.2015, Annexure P2 and any further proceedings arising therefrom are, hereby, quashed. Consequently, retiral benefits, if any withheld on this account, be released to the petitioner in case there is no other impediment thereto.”*

11. Further, dealing with similar issue, this Court in ***Raj Pal v.***

State of Haryana and others, 2023(1) Law Herald 62, has held as

under: -

“8. A harmonious reading of Rules 12.2(b) and 12(5)(a) leads to only one irresistible conclusion that after an employee has retired from service there is a complete embargo on the initiation of departmental proceedings against him in respect of event(s) which may have taken place more than four years prior to the initiation of the departmental proceedings and that the date of initiation of such departmental proceedings is deemed to be the date when a charge-sheet is issued to the concerned

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government employee/pensioner/government employee placed under suspension. The apparent object behind these Rules seems to be that a retired employee, after the statutory period of four years, should be left to live in peace in the twilight zone of his life. The alleged misconduct on his part should be allowed to settle with the efflux of time. The rationale also appears to be based on the phrase 'let bygones be bygones' for retirees and because memory fades with age as also for the reason that it is not easy for a retiree to have access to the relevant record or his colleagues, who may have also retired and settled elsewhere, making it difficult for him to effectively defend himself.

9. *In Punjab State Power Corporation Ltd. Patiala's case (supra) the respondent before the Supreme Court retired from service on 30.04.2004 and was issued a charge-sheet on 07.01.2008 through which he was sought to be departmentally proceeded against for events which had allegedly taken place between 15.05.2002 to 03.12.2002. Since these events were beyond four years from the date of issuance of the charge-sheet to the respondent therein, he assailed the same through a petition filed before this Court by relying on the second proviso to Rule 2.2(b) of the Punjab Civil Services Rules (Vol. II) (for short, the Punjab Rules). The second proviso to Rule 2.2(b) of the Punjab Rules is similar to Rule 12.2(b) of the Rules and is reproduced below for reference: -*

"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;

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(ii) shall not be in respect of any event which took place more than four years before such institution; and if he has retired, the event should not be more than 4 years old.

(iii) shall be conducted by such authority and in such place as the Government may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the officer during his service.”

10. A single judge of this Court after relying on the afore quoted proviso quashed the charge-sheet served upon the respondent therein. In a intra Court appeal such order of the Single Judge was upheld by a Division Bench occasioning the challenge by the respondent's employer before the Supreme Court which challenge was rejected as the Supreme Court was of the opinion that the High Court had rightly applied the afore quoted proviso to quash the charge-sheet.

11. To the same effect is the judgment of a Division Bench of this Court in Baldhir Singh's case (supra) wherein it was held as follows: -

“6. A bare perusal of the aforementioned Rule makes it clear that Rule 2.2(b) (ii) places a complete embargo on holding of an enquiry against a retired employee for any event which has happened four years prior to the institution of enquiry. In other words, in case a departmental proceeding is to be initiated against an employee after his retirement, it cannot be in respect of an event, which has taken place more than four years prior to the date of the institution of inquiry. The rationale behind the rule appears to be that a retiree should not be subjected to undue hardship in the evening of his life after

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having rendered satisfactory service to the State. If old matters which have been settled by efflux of time are permitted to be re-opened after expiry of period of four years then a retiree may not be in a position to defend himself because the evidence in his favour may not be available. The co-employee after retirement might have settled at far flung places and memory may not serve such witnesses and the retiree. The 'Sword of Damocles' in the shape of departmental inquiry cannot be kept hanging on the head of the retiree for all times to come and he should be allowed to live in peace after the statutory period of four years of his retirement has come to an end. Moreover, the learned State counsel has not been successfully able to controvert the argument and judgments (supra) relied upon by the learned counsel for the petitioner.”

12. Similarly, another Division Bench of this Court in *Sub Inspector Puran Chand's case (supra)*, while considering a similar issue, held as follows:-

7. Pointed attention of this Court has been drawn to clause (2) of the aforesaid rule 2.2(b). A careful perusal of the same would show that in case a departmental proceeding is to be initiated against an employee after his retirement, it cannot be in respect of an event which took place more than four years from the date when the proceeding is initiated. It is clear that the charge sheet was issued to the petitioner in the instant case on 24.11.1998, whereas the incident in question in respect to which he has been proceeded against relates to the year 1988 i.e. one decade prior to the issuance of the charge sheet. It is obvious that issuance of the aforesaid charge sheet is wholly unacceptable in



law, as the same is clearly barred by the provision of clause (2) of rule 2.2(b) extracted above.”

13. *In the case in hand the facts are not in dispute that the petitioner retired on 30.06.2019 and was issued a charge-sheet on 05.10.2021 through which he was sought to be departmentally proceeded against for an alleged misconduct by him between the years 1986-88. The alleged misconduct by the petitioner is prior to four years from the date of issuance of the charge-sheet. Since by that time he had retired, such action on the part of the State is barred under Rule 12.2(b) read with Rule 12(5)(a) of the Rules and therefore unsustainable. Resultantly, the impugned departmental proceedings against the petitioner are quashed.*

14. *The petition is allowed in the above terms.”*

12. To the similar effect are the judgments of this Court in ***Jasbir Singh v. State of Punjab and others, 2026(2) SLR 69; CWP-24690 of 2022 – Balbir Singh v. State of Punjab and others decided on 20.11.2025, 2025 NCPHHC 1625; CWP-11949 of 2015 – Dr. K.K. Sharma v. State of Punjab and others, decided on 10.08.2023; CWP-18906 of 2024 – Mukesh Kumar Goel v. State of Punjab and another, decided on 21.05.2025 and CWP-21820 of 2025 – Ranbir Singh v. State of Punjab and another, decided on 01.05.2026.***

13. In view of the settled propositions of law and principle laid down in Rule 2.2(b) it has to be concluded that the charges are more than four years old from the date of issuance of charge-sheet and undisputedly, in the present case, petitioner retired from service on 31.12.2016 and was issued charge-sheet on 18.05.2018 (Annexure P-2), vide which he was sought to be departmentally proceeded against for



an alleged misconduct committed by him during service in the year 2014, particularly when proposal dated 09.04.2014 for the premature retirement of Sh. Gurmail Singh, Junior Scale Stenographer, was submitted. However, the said action of the respondents is in clear violation of Rule 2.2(b) of the Rules as the alleged mis-conduct by the petitioner relates to the period prior to four years from the date of issuance of the charge-sheet. The principle adopted in explanation of Rule 2.2(b) is wholesome principle which has backing of judicial precedents and, therefore, the action of respondents in issuing impugned charge-sheet dated 18.05.2018 is in clear violation of Rule 2.2(b) of the Rules as the alleged misconduct by the petitioner relates to the period prior to four years from the date of issuance of the charge-sheet.

14. In view of the above, present writ petition is allowed and charge-sheet dated 18.05.2018 (Annexure P-2) and any further proceedings arising therefrom are hereby set aside, with all consequential benefits.

05.05.2026
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No