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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-345-2002 (O&M)

Date of Decision : 11.05.2026

Chhajju Ram

....Petitioner

Versus

Punjab State Electricity Board, Patiala and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vijay Sharma, Advocate for the petitioner.

Mr. Karmanbir Singh Kharbanda, 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 seeking issuance of a writ in the nature of certiorari for quashing of orders dated 27.11.2000 (Annexure P-2) and 04.12.2000 (Annexure P-4), whereby recovery has been ordered from the retiral benefits of the petitioner. A further direction has been sought for release of Rs.66,000/- deducted from the salary of the petitioner from March 1992 till 30.04.1996.

CONTENTIONS

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was appointed as an Assistant Lineman and was subsequently promoted. A charge sheet No.86 was issued to him on 14.06.1990 alleging shortfall of material worth Rs.2,09,611/- and excess labour claim of Rs.15,368.44. The petitioner submitted a detailed reply explaining that the material was utilized for works and surplus was deposited back. Despite the



charge sheet having been issued prior to his retirement on 30.04.1996, no final order was passed until after his retirement.

3. It is further submitted that the impugned order dated 27.11.2000 imposing recovery of Rs.2,24,979.80 was passed after an inordinate delay of nearly 10 years from the issuance of the charge sheet. Moreover, the said order was passed without following the procedure prescribed under the Punjab State Electricity Board Employees Punishments and Appeal Regulations, 1971, including the mandatory issuance of a show cause notice prior to punishment. The second impugned order dated 04.12.2000 was issued on the basis of a show cause notice dated 12.05.1999, i.e., three years after the petitioner's retirement, without appointment of any inquiry officer or grant of opportunity of hearing.

4. Per contra, learned counsel for the respondent-Board submits that the petitioner did not avail the statutory remedy of appeal under the Regulations of 1971. It is further submitted that the petitioner had earlier filed Civil Suit No.64/1992 challenging the order of deduction of 50% amount from his salary, which was dismissed by the Additional Senior Sub Judge, Barnala. The petitioner also filed Civil Suit No. 160/1996 seeking direction for release of his retiral dues, which was dismissed for non-prosecution on 22.01.1998. As such, the respondent contends that the petitioner cannot agitate the same issues by way of the present writ petition. It is further submitted that all pensionary benefits due to the petitioner have been released except Rs.1,30,750/-deducted from gratuity and Rs.3,29,519/- recovered from retiral dues.

OBSERVATION & ANALYSIS

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



6. As regards to the impugned order dated 27.11.2000 (Annexure P-2), it is evident that the charge sheet was issued on 14.06.1990, whereas the punishment order was passed after a delay of nearly 10 years, despite the petitioner having participated in the inquiry. Such inordinate and unexplained delay by itself is sufficient to vitiate the disciplinary proceedings. The Hon'ble Supreme Court in **Prem Nath Bali vs. Registrar, High Court of Delhi, (2015) 16 SCC 415** has held that delay in concluding disciplinary proceedings can suffocate the same, entitling the employee to quashing of the same. Reliance in this regard may also be placed on the judgement rendered by this Court in **Khairati Lal vs. State of Haryana CWP 9606-2022**.

7. Further, in respect of the impugned order dated 04.12.2000 (Annexure P-4), the show cause notice was issued only on 12.05.1999, i.e., three years after the petitioner's retirement on 30.04.1996. The respondent-Board has failed to cite any statutory provision empowering it to initiate disciplinary proceedings against a retired employee after superannuation, more so in the absence of any provision for continuing the same under the Regulations of 1971. The contention of the respondent regarding the dismissal of earlier civil suits does not cure this fundamental jurisdictional defect, nor does it validate proceedings initiated without authority of law. Moreover, the respondent-board has further failed to controvert the stand of the learned counsel for the petitioner that there was no inquiry conducted in pursuance to the chargesheet nor any procedure was followed before passing the order.

8. Consequently, this Court is constrained to hold that the impugned orders, on their very face, are arbitrary and capricious, having been passed without jurisdiction and in violation of the principles of natural justice. The findings cannot be sustained in the eyes of law.



9. However, insofar as the claim of the petitioner seeking refund of Rs.66,000/- deducted from his salary from March 1992 till 30.04.1996 is concerned, the petitioner has not agitated this matter within a reasonable time. The writ petition was filed in the year 2002, whereas the deductions commenced in 1992. Though the Limitation Act, 1963 does not strictly apply to writ proceedings, the principles thereof do apply. The Hon'ble Supreme Court in **State of Orissa vs. Mamata Mohanty, (2011) 3 SCC 436** has conclusively held that writ petitions are liable to be dismissed on the ground of delay and laches. The petitioner has offered no satisfactory explanation for the delay in challenging the said salary deductions. Therefore, the claim for refund of Rs.66,000/- is barred by delay and laches and is accordingly rejected.

CONCLUSION

10. In view of the above discussion, the present writ petition is partly allowed. The impugned orders dated 27.11.2000 (Annexure P-2) and 04.12.2000 (Annexure P-4) are set aside. The petitioner is held entitled to refund of the amount recovered pursuant to the said orders, along with interest @ 6% per annum from the date of deduction till its actual realization. The same shall be paid within a period of three months from the date of receipt of certified copy of this order. The claim for refund of Rs.66,000/- is, however, dismissed on the ground of delay and laches.

(HARPREET SINGH BRAR)
JUDGE

May 11, 2026
ps

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