

CWP-10080-2026

2026:PHHC:063633



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

128

CWP-10080-2026

Date of Decision: 06.04.2026

Baldev Singh

.....Petitioner

VERSUS

Punjab State Power Corporation Limited (PSPCL) And Others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Sandeep Singh, Advocate
with Mr. Dilpreet Singh Maan, Advocate
and Mr. Jugansh Goyal, Advocate
for the petitioner.

Mr. Chetan Juneja, Advocate
for respondents No.1 to 3.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* to quash impugned charge sheet dated **16.08.2021** (Annexure P-1) and order dated **22.12.2025** (Annexure P-4) whereby punishment of withholding two annual increments, without cumulative effect, has been imposed on the petitioner for an alleged misconduct that occurred on 16.12.2005. Further,

CWP-10080-2026

2026:PHHC:063633



issuance of a writ in the nature of *mandamus* has been sought, directing the respondent-Corporation to release the increments which have been arbitrarily withheld vide impugned order dated 22.12.2025 (Annexure P-4) along with interest @ 24% p.a.

2. Learned counsel for the petitioner contends that the petitioner joined the erstwhile Punjab State Electricity Board (PSEB) as a Lower Divisional Clerk (LDC) on 06.09.1988 and his services were governed by the Punjab State Electricity Board Main Service Regulations, 1972. However, the disciplinary proceedings against employees who initially appointed with the erstwhile PSEB and are currently serving the respondent-PSPCL, are governed by the Punjab State Electricity Board Employees (Punishment and Appeal) Regulations, 1971. From 12.04.2002 to 30.06.2015, the petitioner remained posted at Sub-Division Bajakhana, Faridkot and held charge of the Upper Divisional Clerk (UDC) with an additional charge of Consumer Clerk. The petitioner was due to retire on 31.12.2023. However, on allegations that while issuing a demand notice dated 06.04.2004 for processing of an agricultural pump connection, the petitioner failed to obtain the *jamabandi* of the land from the consumer concerned. On the basis of these 18 year-old allegations, the petitioner was issued a charge sheet dated 16.08.2021 (Annexure P-1) by respondent No.3. The respondents were made aware of the same, however, in violation of Rule 2.2(b) of the Punjab Civil Services Rules, Volume II, punishment order

CWP-10080-2026

2026:PHHC:063633



dated 01.04.2023 (Annexure P-3) was passed whereby a punishment of stoppage of two annual increments without cumulative effect was imposed upon the petitioner. Aggrieved by the same, the petitioner preferred a statutory appeal which was also dismissed in a mechanical fashion vide impugned order dated 22.12.2025 (Annexure P-4). Learned counsel submits that the charge sheet (supra) has been issued with an oblique motive, after a significant delay of 18 years, merely to harass the petitioner.

3. Learned counsel for respondents No.1 to 3 could not controvert the fact that the impugned charge sheet dated 16.08.2021 (Annexure P-1) was issued after a delay of 18 years, for an alleged misconduct that pertains to the year 2004. Further, he could not put forth any acceptable justification for imposing the punishment of stoppage of two annual increments without cumulative effect vide impugned order dated 01.04.2023 (Annexure P-3) upon the petitioner, who retired on 31.12.2023.

4. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the impugned charge sheet dated 16.08.2021 (Annexure P-1) was issued to the petitioner alleging that he granted an agricultural tubewell connection to one Sukhdev Singh without obtaining *jamabandi*. Further, a demand notice dated 06.04.2004 for Rs.15,500/- was also issued by him, without examining any documents. In furtherance of the same, a punishment of stoppage of two annual increments

CWP-10080-2026

2026:PHHC:063633



without cumulative effect was imposed upon the petitioner vide impugned order dated 01.04.2023 (Annexure P-3).

5. Before delving further into the matter, it is clarified that the Rule 2.2(b) of the PCSR shall not be applicable to the present situation as the disciplinary proceedings against the petitioner were initiated and concluded before his retirement. The punishment order was passed on 01.04.2023 while the petitioner retired on 31.12.2023. Rule 2.2(b) of the PCSR particularly discusses 'Recoveries from Pension' while, in the matter at hand, the petitioner was a serving employee at the time punishment order dated 01.04.2023 was passed. Further still, neither of the parties has raised a concern regarding any recovery being made from the pension of the petitioner since his retirement.

6. Admittedly, the alleged misconduct pertains to the year 2004 while the charge sheet in this regard was issued 16.08.2021, after a lapse of about 18 years. However, no explanation has been put forth to justify such inordinate delay. The Constitution Bench of the Hon'ble Supreme Court in ***Maenka Gandhi vs. Union of India and another 1978(1) SCC 248*** has held that Article 21 of the Constitution of India confers a fundamental right on every citizen to not to be deprived of his life or liberty except according to the procedure established by law and such procedure which must be fair, just and reasonable. Undoubtedly, the right to speedy trial flows from this concept of fairness and forms a part of the right to life enshrined in

CWP-10080-2026

2026:PHHC:063633



Article 21. Thus, any procedure which does not ensure the culmination of disciplinary proceedings within a reasonable dispatch, falls foul of the promise of Article 21. The determination of guilt or innocence of the delinquent employee must be arrived at in timely fashion or else the same would amount to harassment in the garb of justice. Reliance in this regard can also be placed on the judgment rendered by a two-Judge bench of the Hon'ble Supreme Court in *State of Punjab and others vs. Chaman Lal Goyal 1995 (2) SCC 570*, wherein the following was observed:

“9. Now remains the question of delay. There is undoubtedly a delay of five and a half years in serving the charges. The question is whether the said delay warranted the quashing of charges in this case. It is trite to say that such disciplinary proceeding must be conducted soon after the irregularities are committed or soon after discovering the irregularities. They cannot be initiated after lapse of considerable time. It would not be fair to the delinquent officer. Such delay also makes the task of proving the charges difficult and is thus not also in the interest of administration. Delayed initiation of proceedings is bound to give room for allegations of bias, mala fides and misuse of power. If the delay is too long and is unexplained, the court may well interfere and quash the charges. But how long a delay is too long always depends upon the facts of the given case. Moreover, if such delay is likely to cause prejudice to the delinquent officer in defending himself, the enquiry has to be interdicted. Wherever such a plea is raised, the court has to weigh the factors appearing for and against the said plea and take a decision on the totality of circumstances. In other words, the court has to indulge in a process of balancing.....”

(emphasis added)

7. Furthermore, the disciplinary proceedings carried out in furtherance of charge sheet dated 16.08.2021 (Annexure P-1) were concluded after a lapse of 04 years with the passing of punishment order dated 01.04.2023. At this juncture, it would be apposite to refer to the

CWP-10080-2026

2026:PHHC:063633



judgment rendered by a two-Judge bench of the Hon'ble Supreme Court in ***Prem Nath Bali vs. Registrar, High Court of Delhi and another*** in ***Civil Appeal No. 958 of 2010*** decided on 16.12.2015, wherein, speaking through Justice Abhay Manohar Sapre, the following was held:

“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)

8. It is thoroughly unacceptable for the respondents to take 18 years to initiate disciplinary proceedings for a misconduct that occurred in the year 2004. In addition to this, the respondents took 04 years to conclude

CWP-10080-2026

2026:PHHC:063633



the proceedings and pass the punishment order dated 01.04.2023. Such delay is likely to cause prejudice to the delinquent employee in defending himself, which cannot be allowed to go unchecked by this Court. The laxity displayed by the respondents in addressing the alleged misconduct is not only astounding but is also bound to cause apprehensions of bias, *mala fide* and misuse of power. Further still, no justification whatsoever has been put forth by the respondents to explain this inordinate delay in conducting and concluding departmental proceedings, which in itself is sufficient to vitiate the said proceedings in its entirety.

9. Accordingly, the present petition is allowed and impugned charge sheet dated 16.08.2021 (Annexure P-1) and impugned punishment order dated 22.12.2025 (Annexure P-4) are hereby quashed and set aside. However, considering the harassment caused to the petitioner by the substantial delay with respect to the impugned disciplinary action, this Court finds it important and appropriate to grant him compensation of Rs.50,000/-, payable by the respondents within 04 weeks of the date of receipt of a certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

06.04.2026*Parul Verma*

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No