



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

CWP-11958-2020 (O&M)

Date of decision: 16.03.2026

Gurmukh Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sarthak Gupta, Advocate,
for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. The petitioner, by way of instant writ petition filed under Articles 226/227 of the Constitution of India, impugns the Memo dated 18.07.2020 (Annexure P-10), vide which, the Chief Engineer was directed to prepare a draft charge-sheet, thereby proposing to initiate disciplinary proceedings against him.

2. At the outset, learned counsel for the petitioner submits that vide order dated 14.08.2020, a Coordinate Bench of this Court, had stayed the proceedings, in consequence of the impugned memo, and in the interregnum, the petitioner, after attaining the age of superannuation, retired on 29.02.2024. In such a situation, as to whether, the disciplinary action could still be initiated against the petitioner is a moot question of law, which ought to be decided by the authorities concerned, at the first instance. Accordingly, he submits that let the instant writ petition be disposed of, with a direction to the authorities concerned to take a decision afresh, in the light of Rule 2.2(b) of the Punjab Civil Services (Punishment & Appeal) Rules, 1970.

3. On the other hand, learned State counsel submits that, in fact, the petitioner has impugned the inter-departmental communication,



and vide order (supra), the competent authority has been restrained to proceed further with the matter. Therefore, the competent authority is entitled to exclude the time, from the date when the stay was granted, to arrive at a fresh decision.

4. Having heard learned counsel for the parties, this Court is of the considered view that retirement of the petitioner, in the interregnum, has skewed the factual situation of the matter at hand. Therefore, this Court restrains itself from delving into merits of the matter, lest it may prejudice the rights of either of the parties. Consequently, the competent authority, amongst the respondents, is directed to re-consider the matter and take a decision afresh, in accordance with law, within a period of five months from today, after hearing the petitioner.

5. **Disposed of**, accordingly.

(KULDEEP TIWARI)
JUDGE

16.03.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No