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

207

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Date of Decision: 05.03.2026

AJAIB SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. H.S. Dhindsa, Advocate for petitioner

Mr. Aman Dhir, D.A.G., Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of chargesheet dated 22.03.2018 and consequent proceedings.

2. The petitioner joined Police Force as Constable on 11.04.1977. He was promoted from time to time. In 1998, he was sent on deputation to the office of Excise and Taxation Commissioner. He remained there till 2002. The Excise and Taxation Department vide order dated 17.12.2002 repatriated him to his parent department. He at that point of time was holding rank of Assistant Sub Inspector. He is claiming that he tried to join his parent department in 2003 and respondent is claiming that he never joined service after May' 2003. He approached this Court by way of *CWP-4878-2006* seeking release of his salary.



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The said petition was dismissed vide order dated 12.08.2010 with liberty to file civil suit. He filed civil suit which was dismissed. He unsuccessfully filed appeal as well as RSA before this Court. He filed *CWP-19169-2017* before this Court seeking direction to respondents to decide his representation dated 03.05.2017 seeking release of pensionary benefits. The said petition was disposed of vide order dated 25.08.2017 with a direction to respondent to decide his representation. The respondent issued him chargesheet dated 22.03.2018 alleging that he remained absent from 19.05.2003 upto the date of retirement i.e. 31.05.2012. The respondent conducted inquiry and held him guilty. The respondent during the pendency of petition has passed order dated 24.08.2018 holding that in view of interim order passed by this Court, no decision on the chargesheet can be taken.

3. Learned counsel for the petitioner submits that petitioner served respondent from 1977 to 2002 even if he is not considered in service till the date of his retirement i.e. 31.05.2012. He was never dismissed from service. He was before Courts seeking salary and permission to join service. He was issued chargesheet after more than 6 years from the date of his retirement. As per Civil Service Rules, he could not be issued chargesheet after 4 years from the date of his retirement.

4. *Per contra*, learned State counsel submits that petitioner virtually abandoned his job in 2003. He kept on filing petitions before Courts, however, did not join service. He was deemed to be discharged from service. The impugned chargesheet was issued because he remained absent from 2003 onwards. He was liable to be dismissed retrospectively.

5. Heard the arguments and perused the record.



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6. From the perusal of record, it is evident that petitioner without interruption and indubitably worked from April' 1977 to December' 2002. In other words, he was having 25 years' service to his credit when the dispute erupted. He was claiming that respondent is not paying salary and permitting him to join his parent department whereas respondent was claiming that petitioner is absent from duty. He filed petition before this Court as well as civil suit. He lost before this Court as well Civil Court. His first as well as second appeal was dismissed.

7. Despite afore-stated facts, the petitioner was never dismissed from service. No show cause notice proposing punishment or initiating departmental proceedings was issued till the date of his retirement. The respondent in its report dated 04.08.2007 confirmed that petitioner remained in service till 19.05.2003 and was paid salary upto 30.04.2003. Despite said report, neither departmental inquiry was initiated nor formal order of punishment was passed. The respondent for the first time issued notice on 22.03.2018 initiating departmental proceedings. The only allegation was that he was absent from duty from 19.05.2003 to date of retirement. The petitioner is not disputing that he cannot be considered on duty from 19.05.2003 to 31.05.2012.

8. It is true that petitioner remained absent from duty from 19.05.2003 upto the date of his retirement, however, it is on record that he preferred petition before this Court as well as filed civil suit seeking release of salary and permission to rejoin Police Department. He was not formally made to retire or dismissed from service.

9. As per Rule 2.2 (b) of Punjab Civil Services Rule (Volume-II), proceedings cannot be instituted against a retired officer with respect to event



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which took place more than 4 years before the institution of such proceedings. The petitioner is a retired officer and respondent has initiated proceedings with respect to an event which took place 4 years prior to issuance of chargesheet.

10. Learned State counsel has expressed his inability to controvert applicability of judgment of this Court in ***Inspector Surjit Singh V/s State of Punjab and others***, LawFinder Doc Id # 2539875 and ***Paramjit Kaur V/s State of Punjab and others***, LawFinder Doc Id # 2514546 to the instant case.

11. This Court in ***Inspector Surjit Singh (Supra)*** and ***Paramjit Kaur (Supra)*** has set aside charge sheets on the ground of being issued after retirement with respect to an incident which occurred four years prior to the date of charge sheet. In the present case, the charge sheet was issued after retirement and with respect to an incident which occurred four years prior to the date of charge sheet.

12. In the wake of above cited judgments, the impugned chargesheet dated 22.03.2018 is hereby set aside.

13. The petitioner had served for 25 years, thus, he was entitled to pension. As per Rule 16.2 of Punjab Police Rules, 1934 (for short 'PPR'), a police officer may be dismissed from service for gravest misconduct. The petitioner was never dismissed from service. The impugned chargesheet stands quashed, thus, he has become entitled to pensionary benefits. As conceded by him, he would not be entitled to back wages in the form of salary or pension till 28.02.2026. He would be entitled to pension w.e.f. 01.03.2026. He would also be entitled to gratuity, leave encashment and other retiral benefits. The respondent shall calculate and release his gratuity, leave encashment and



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pension within three months failing which would be liable to pay interest @
9% per annum.

14. Allowed in above terms.

15. Pending Misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

05.03.2026
SDK

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No