

RSA-1538-2008 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA-1538-2008 (O&M)

STATE OF HARYANA & ORS.

.....Appellants

Vs.

R.P. KUMAR (SINCE DECEASED THROUGH LRs)

.....Respondent

Reserved on : 28.04.2026

Pronounced on: 30.04.2026

Uploaded on: 01.05.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Harish Nain, Assistant Advocate General, Haryana
for the appellants.

Mr. Parminder Singh, Advocate
for the respondent.

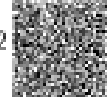
SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred against judgment and decree dated 07.02.2008 passed by learned Additional District Judge(FTC) Karnal, whereby appeal filed by the respondent against judgment and decree dated 07.02.2006 passed by learned Civil Judge (Sr. Division) Karnal was allowed.

2. Brief facts of the case are that respondent retired as Deputy Director Food & Supplies Department (DFSC) on 31.07.1996 after attaining age of superannuation. Thereafter, he was drawing his pension also. That while he was working as DFSC Kaithal, he was charge-sheeted under Section 7 of Haryana Civil Services (Punishment and Appeals) Rules, 1987.

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He submitted his reply and, thereafter, he was awarded punishment of censure along with recovery of ₹2,16,000/- vide order dated 31.07.1992. He challenged punishment order before learned Civil Court by filing civil suit. Civil suit filed by him was decreed in his favor. Appellants filed appeal against the same. Appeal filed by the appellants was dismissed. Thereafter, appellants preferred regular second appeal which was also dismissed by this court vide judgment dated 11.12.2003. But department was granted liberty to proceed afresh in the matter. After the passing of the order by this court on 11.12.2003 in RSA filed by appellants, appellants started proceeding afresh against respondent. Respondent filed civil suit challenging the action of the appellants in proceeding afresh in the matter against the respondent on the ground that Rule 2.2(b) of Civil Services Rules does not empower department to take action or initiate any proceedings against an employee after four years of his retirement, if such lapse or mistake occur during the service. And in the present case, appellants initiated action against the respondent who retired in the year 1996 and the matter relates to the year 1986. Therefore, appellants were not competent to take any action or initiate any departmental proceeding against the respondent. In the civil suit, the appellants filed reply that after receipt of order passed by this court dated 11.12.2003 in RSA, department re-initiated departmental proceedings against respondent and Mrs. Shashi Gulati, IAS was appointed as inquiry officer vide order dated 18.11.2004 and the inquiry was pending but respondent did not appear. Therefore, the civil suit was premature. The civil suit filed by him was dismissed vide judgment and decree dated 07.02.2006. He filed appeal against the same whereby learned Additional District Judge



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Karnal vide its judgment decree dated 07.02.2008 allowed the same. Hence, the present regular second appeal.

3. Learned counsel for the appellants contends that learned first appellate court held that fresh inquiry could not be conducted after retirement without appreciating the fact that fresh inquiry was initiated on the directions of this court passed vide order dated 11.12.2003 in RSA filed by the appellants. He further contends that respondent has expired on 14.07.2016 and during the pendency of civil suit, fresh inquiry proceedings were initiated and on 22.11.2006 inquiry proceedings are finalized and punishment order is also passed against the respondent. And further that respondent has not challenged punishment order dated 22.11.2006.

4. Learned counsel for the respondent does not dispute the same.

5. Accordingly, the present regular second appeal is ***allowed***.

6. Judgment and decree dated 07.02.2008 passed by learned Additional District Judge(FTC) Karnal, whereby appeal filed by the respondent against judgment and decree dated 07.02.2006 passed by learned Civil Judge (Sr. Division) Karnal is set aside.

7. Decree sheet be prepared accordingly.

8. Pending application(s), if any, also stand disposed of.

30.04.2026

Saahil/Ayub

(SUDEEPTI SHARMA)

JUDGE

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