2026:PHHC:067747

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

208 CWP-21820-2025
Date of Decision: **01.05.2026**

Ranbir Singh
.....Petitioner

VERSUS

State Of Punjab And Another
...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. Madan Pal, Advocate and
Mr. Malwinder Singh Virk, Advocate
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.

Mr. Bhanu Pratap, Advocate
for respondent No.2.

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HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India with a prayer for issuance of an appropriate writ, order or direction in the nature of *certiorari* for quashing the impugned order dated 30.06.2025 (Annexure P-9) passed by respondent No.2, whereby an amount of ₹22,93,032/- has been ordered to be recovered from the retiral benefits of the petitioner, including Contributory Provident Fund, gratuity,

leave encashment, etc., which action is illegal, unjust, arbitrary and contrary to law. Further, a writ in the nature of *mandamus* is sought directing the respondents to release the entire retiral benefits of the petitioner, including Contributory Provident Fund, gratuity, Group Insurance Scheme, leave encashment, arrears of revised pay, etc., along with interest @ 18% per annum on account of the illegal withholding and recovery.

2. Learned counsel for the petitioner, *inter alia,* contends that the petitioner joined as Senior Assistant Accounts on 07.10.1981 and, after rendering long and unblemished service, ultimately superannuated on 29.02.2016. On the eve of retirement, there was no pending criminal case or any disciplinary proceedings against the petitioner. He retired with clean record. It is further submitted that five months' after his retirement, a charge-sheet dated 04.07.2016 came to be issued to the petitioner subsequent to his retirement, in respect of an alleged misconduct which is stated to have occurred in the year 2011, i.e., much beyond a period of approximately five years from the date of issuance of the charge-sheet. Learned counsel submits that such initiation of disciplinary proceedings is *ex facie,* illegal, arbitrary and unsustainable in the eyes of law, being in direct contravention of Rule 2.2(b) of the Punjab Civil Services Rules, Volume II, which unequivocally proscribes the institution of departmental proceedings after retirement in respect of events which took place more than four years prior thereto.

2.2 It is further submitted that the respondents appointed an Inquiry Officer and in the meantime, the petitioner approached this Court by filing CWP-18707-2023, which was disposed of on 15.05.2025 (Annexure P-1), on the basis of the statement made on behalf of respondent No.2-Authority that the charge-sheet against the petitioner has been withdrawn. Even the petitioner has been found innocent by the Inquiry Officer. Further, in spite of earning clean chit in the first inquiry without being any justifiable reason, another Committee was constituted and the law is well settled on this issue that until and unless the findings of first inquiry report is set aside, the second inquiry is not permissible and he relied upon judgment ***CWP-23151-2025*** titled ***Vasdev Singh versus State of Punjab and others***, decided on 11.08.2025.

3. Reply by way of affidavit of Mr. Rakesh Kumar Popli, Additional Chief Administrator (HQ), Punjab Urban Planning and Development Authority at PUDA Bhawan, Sector-62, SAS Nagar, on behalf of respondent No.2 has been filed in the Court today, which is ordered to be taken on record. Registry is directed to place the same at an appropriate place.

4. *Per contra*, learned counsel for respondent No.2–PUDA submits that the petitioner was found complicit in disbursing excess compensation to certain landowners beyond their entitlement, and

consequently, a recovery of ₹9,73,155/- was imposed upon him. It is further contended that the petitioner issued a cheque in the name of one Teja Singh, who was not entitled to receive any compensation.

5. Having heard learned counsel for the parties and upon perusal of the record with their able assistance, it transpires that there is no dispute with regard to the fact that the petitioner retired on 29.02.2016 with a clean service record. It is further evident that, at the time of his retirement, no disciplinary proceedings were pending against him. The petitioner had also been exonerated in the first inquiry conducted by the Inquiry Officer, and the findings of the said inquiry were never set aside. Consequently, the constitution of a second Inquiry Committee and the findings recorded therein are without jurisdiction and not sustainable in the eyes of law. It is also pertinent to note that the petitioner after retiring upon attaining the age of superannuation on 29.02.2016, was charge-sheeted on 04.07.2016 in respect of an alleged incident of the year 2011. This Court finds it appropriate to study the relevant provision of the Rule 2.2 (b), Note 2, Clause (b) proviso (i) and (ii) of the Punjab Civil Services Rule, Volume II, which is reproduced for ready reference.

> *"2.2 (b) The Government further reserve to themselves the right of withholding or withdrawing a pension or any part of it, whether permanently or for a specified period and the right of*

ordering the recovery from a pension of the whole or part of any pecuniary loss caused to Government, if, in a departmental or judicial proceeding, the pensioner is found guilty of grave mis-conduct or negligence during the period of his service, including service rendered upon re-employment after retirement:

Provided that–

(1) Such departmental proceedings, if instituted while the officer was in service, whether before his retirement or during his re-employment, shall after the final retirement of the officer, be deemed to be a proceeding under this article and shall be continued and concluded by the authority by which it was commenced in the same manner as if the officer had continued in service;

(2) Such departmental proceedings, if not instituted while the officer was in service whether before his retirement or during his re-employment–

(i) shall not be instituted save with the sanction of the Government; (ii) shall not be in respect of any event which took place more than four years before such institution;"

5.1 This very Court has already adjudicated upon an identical controversy in ***CWP-23151-2025*** titled ***Vasdev Singh versus State of Punjab and others***, decided on 11.08.2025, wherein it was categorically held that initiation of departmental proceedings after retirement, in respect of an alleged misconduct beyond the prescribed period of four years, is impermissible in law in view of Rule 2.2(b) of the Punjab Civil Services

Rules, Volume II. The said judgment has attained finality and, thus, the issue involved in the present case is no longer *res integra*, being squarely covered by the aforesaid authoritative pronouncement of this Court.

6. Admittedly, charge-sheet issued on 04.07.2016 discloses that the date on which the alleged misconduct is during 2011, which was more than five years before the issuance of charge-sheet issued after the superannuation of the petitioner, which is untenable in the eyes of law.

7. As such, initiating disciplinary proceedings after an employee has retired, if the matter pertains to an event that happened over four years before the date of initiating the proceedings is impermissible.

8. In view of the foregoing discussion, the present writ petition is allowed. The impugned order dated 30.06.2025 (Annexure P-9) is hereby quashed and set aside. Consequently, the respondents are directed to release all retiral benefits/dues of the petitioner in entirety along with interest of 6% per annum from two months after the date of retirement till its actual realization.

8.1. It is further made clear that the part payment i.e. Rs.10,41,164/-, which has already been paid to the petitioner, after delay of approximately nine years is further entitled to interest @ 6% from two months after the date of his retirement till the date of its actual disbursement.

8.2. The entire exercise must be expeditiously completed within a period of two months.

8.3. In case the respondent deviates from the directions issued by this Court, the petitioner would be at liberty to file appropriate application under Article 215 to initiate Contempt of Court proceedings against the respondent-Authority.

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

(HARPREET SINGH BRAR)
JUDGE

01.05.2026
Parul Verma

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No