



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

CWP-30806-2025
Decided on: 19.03.2026

Madan Lal

.... Petitioner

versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.K.Bhar, Advocate for Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl. AG, Haryana.

Mr. Vikrant Pamboo, Advocate
for respondents No.2 and 3.

Harpreet Singh Brar, J. (Oral)

Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari, for quashing the charge sheets No.EA-V-2008/18983 dated 21.01.2009 (Annexure P-6), Inquiry report undated (Annexure P-7), Show cause notice dated 10.08.2021 (Annexure P-8), Impugned order dated 09.05.2022 (Annexure P-9), charge sheet No.EA-V-2007/5608 dated 27.06.2007 (Annexure P-3), inquiry report undated (Annexure P-4) and impugned order dated 21.06.2018 (Annexure P-5) whereby the petitioner has been held guilty and punished. Further a writ of mandamus has been sought, directing respondent No.2 to release the retiral dues alongwith interest @ 18% per annum from the date of retirement i.e. 31.03.2017 till its realization.

2. On 16.10.2025, following order was passed by this Court:



*“Learned counsel for the petitioner, inter alia, contends that the petitioner retired from the respondent/Corporation on 31.03.2017. The continuation of disciplinary proceedings post-retirement are without any jurisdiction and void ab initio as per law settled by this Court in **CWP No.25369 of 2018**, titled as **Shaminder Singh vs The Punjab Agro Industries Corporation and another**, decided on 30.09.2019 (Annexure P-13). Further the retiral benefits cannot be withheld based upon such invalid proceedings. He has relied upon the judgment rendered by this Court in **Nirmal Singh vs Punjab State Civil Supplies Corporation Limited (PUNSUP)** passed in **CWP No.5254 of 2005** and submits that the department cannot effect recovery from the retiral benefits of the petitioner. This Court in Nirmal Singh’s case (supra) has categorically held that in case of conclusive finding against the delinquent employee, the recovery can only be effected by way of civil suit.*

Notice of motion.

Mr. Piyush Khanna, Addl. A.G., Haryana who is present in the Court accepts notice on behalf of respondent No.1 – State while Mr. Vikrant Pamboo, Advocate, accepts notice on behalf of respondents No.2 and 3 and seeks time to file reply.

Learned counsel for the petitioner is directed to supply a copy of paper book to counsel opposite during course of the day.

Adjourned to 19.03.2026.

In the meantime, reply, if any, be filed in the Registry of this Court with advance copy to counsel opposite.”

3. Learned counsel for respondents No.2 and 3, at the outset,



submits that sanction order dated 18.03.2026 has been passed to release an amount of Rs.11,64,800/- towards Gratuity and Leave encashment. However, in order to safeguard the interest of the Corporation, respondent-Corporation reserves the right to recover the amount of loss in accordance with law by filing a civil suit in terms of ***Shaminder Singh's case(Supra)***.

4. After hearing learned counsel for the parties, it transpires that first charge-sheet was issued to the petitioner on 27.06.2007 (Annexure P-3) and the second charge-sheet was issued on 21.01.2009 (Annexure P-6). The disciplinary proceedings in the first charge-sheet were concluded on 21.06.2018 (Annexure P-5) and in the second charge-sheet, on 09.05.2022 (Annexure P-9). Such delay in conclusion of disciplinary proceedings fall foul of the promise of Article 21 of the Constitution of India and is also in violation of law laid down by Hon'ble Apex Court in ***Prem Nath Bali vs. Registrar, High Court of Delhi and another, 2015 (16) SCC 415*** and by this Court in ***CWP-9606-2022*** titled as ***Khairati Lal vs. State of Haryana and others (decided on 13.10.2025)***.

5. In view of the stand taken by learned counsel for respondents No.2 and 3, present petition is disposed of with a direction to the respondent-Corporation to release the Gratuity and Leave encashment in terms of sanction order dated 18.03.2026 along with interest @ 6% per annum to be calculated two months from retirement till its actual realisation within a period of three months.

6. The respondents are directed to exclude a period of one year from the date of retirement i.e. 31.03.2017, the same being a reasonable and rational



duration required for culmination of disciplinary proceedings, while computing the period for computation of interest on delayed disbursement.

19.03.2026
sonia

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No