

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 1491 OF 2006

RANJEET SINGH

Appellant (s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

ORDER

This is a Government servant's appeal in regard to punishment imposed in a disciplinary proceedings.

2. The appellant was working as a clerk in the Haryana Health Department. On 6.9.1974, he was placed under suspension pending initiation of an enquiry. The suspension was revoked and he was reinstated on 19.11.1974. He was promoted as Assistant on 4.7.1978 after crossing efficiency bar. Nine years later, a charge-sheet was issued on 18.5.1983. The three charges were:

(a) That the appellant was disobedient towards the officials/superiors;

(b) That he had not maintained the stores of Malaria Wing

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properly;

(c) That he has misappropriated BHC/DDT and spare parts of vehicles.

An enquiry was held into the said charges and the enquiry officer submitted his report dated 1.1.1985. Again, there was a delay of about seven years. A show-cause notice was issued on 24.12.1992 with a copy of the report dated 1.1.1985 proposing to impose penalty for misconduct. The appellant submitted his explanation on 12.1.1993.

3. On 18.1.1993, the appellant filed a suit for declaration that the

show cause notice dated 24.12.1992 proposing to punish him for misconduct was invalid. He pointed out that there was a delay of about nine years in issuing the charge-sheet and a delay of seven years in issuing show cause notice after the enquiry and that in the meanwhile, he was promoted thrice. He also contended that the enquiry was in violation of principles of natural justice.

4. During the pendency of the said suit, the disciplinary authority passed the final order dated 23.12.1993 accepting the enquiry report and holding the appellant guilty of the charges levelled against him and imposing two penalties. The first was reduction of rank from the post of Assistant to the lower post of Clerk. The second was a direction to recover Rs.1,34,377.18p. from the appellant, towards the loss said to have been caused by the appellant. The appellant amended the plaint and challenged the order dated 23.12.1993 imposing penalties.

5. The suit was decreed by the trial Court on 30.4.2002 declaring that the order dated 23.12.1993 imposing the penalty was illegal and not binding upon the appellant and further declaring that he was entitled for regularisation of suspension period from 6.9.1974 to 19.11.1974. The Court also declared that the show cause notice dated 24.12.1992 was also null and void.

6. The State filed an appeal in the Court of District Judge, Faridabad. The appellate Court by its judgment dated 15.12.2004 allowed the appeal and dismissed the suit. The appellate Court was of the view that the nine years delay in issuing the charge sheet and a delay of seven years in issuing show cause notice after the enquiry report did not vitiate the enquiry. The Second Appeal filed by the appellant was rejected by the Punjab & Haryana High Court by judgment dated 16.1.2005 on the ground that no substantial questions of law arose for its consideration. The said judgment is under challenge in this appeal by special leave.

7. Learned counsel for the appellant submitted that the trial

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Court had rightly decreed the suit and the first appellate Court ought not to have interfered with the same. He also submitted that when the appellate Court interfered with the judgment of the trial Court, the Second Appeal gave rise to several substantial questions of law, in particular whether the delay in initiation of the enquiry vitiated the enquiry.

8. We find that the trial Court decreed the suit primarily for three reasons: (a) There was an unexplained delay of nine years in issuing the charge sheet; (b) There was an unexplained delay of seven years in issuing show cause notice after the enquiry report was submitted in January 1985; (c) The appellant was promoted thrice between the dates of alleged misconduct and imposition of punishment (which was about nineteen years). This Court has repeatedly held that inordinate delay in initiating disciplinary proceedings is a ground for quashing the enquiry unless the employer satisfactorily explains the delay. For example, where the matter is referred to CBI for investigation and there is delay in getting its report or where the charge is of misappropriation and the facts leading to misappropriation come to light belatedly, it can be said that the delay is not fatal. But where the alleged misconduct was known and there was no investigation pending and when no explanation is forthcoming in regard to the delay, necessarily the unexplained delay would cause serious prejudice to the employee and, therefore, enquiry will have to

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be quashed. [Vide State of A.P. Vs. N. Radhakishan, (1998) 4 SCC 154 and P.V. Mahadevan Vs. Managing Director, Tamil Nadu Housing Board, (2005) 6 SCC 636].

9. We have extracted the charges against the appellant. These charges did not require any detailed investigation. In view of the unexplained delay of nine years the trial Court was justified in holding



Mr. Harikesh Singh, Adv.  
Mr.T.V.George,Adv.

UPON hearing counsel the Court made the following  
ORDER

Appeal is allowed in terms of the signed order. Parties  
are to bear their own costs.

(Ravi P. Verma)  
Court Master

(Anand Singh)  
Court Master

[Signed order is placed on the file]