

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

L.P.A. No.565 of 2010 (O&M)
Date of decision: 30.4.2010

The State of Punjab & others.

-----Appellants

Vs.

Surjan Singh.

-----Respondent

**CORAM:- HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE ALOK SINGH**

Present:- Ms. Rita Kohli, Addl.A.G., Punjab
for the appellants.

ORDER:

1. This appeal has been preferred against order of learned Single Judge, quashing the proceedings on chargesheet dated 10.5.1985 on the ground of long delay, having regard to nature of allegations.

2. Chargesheet was issued to the respondent for alleged report on a sample in the year 1981-82. After reply was submitted in the year 1985, no action whatsoever was taken for more than three years when an Inquiry Officer was appointed. The writ petitioner submitted that speedy disposal of pending chargesheet was right of fair procedure and when without any valid reason, there was gross delay in issuing the chargesheet, in

appointing the Inquiry Officer and taken further proceedings, there was no reason to allow the chargesheet to proceed.

3. Learned Single Judge held that, on the date of order, more than 20 years had passed and the writ petitioner may have retired from service and in the circumstances, continuing the chargesheet would serve no purpose.

4. We have heard learned counsel for the appellants.

5. Learned counsel for the appellants submits that the delay by itself does not vitiate chargesheet and quashing of chargesheet on this ground will set a bad precedent.

6. We are unable to accept the submission. No doubt mere delay is not enough for quashing a chargesheet and all the circumstances have to be duly considered. In the present case, if the State was serious, no reason whatsoever has been shown why for three to four years chargesheet was not served and thereafter, why Inquiry Officer was not appointed for another three years. The fact remains that the incident is about 30 years old.

7. In the facts and circumstance of the case, we do not find any ground to interfere with the view taken by learned Single Judge.

8. The appeal is dismissed.

(ADARSH KUMAR GOEL)
JUDGE

April 30, 2010
ashwani

(ALOK SINGH)
JUDGE