

Departmental Proceedings-

The sole question before this Court to adjudicate is that if there is no provision, rules or regulations authorizing the Competent Authority to make deduction of any amount or to punish employee after retirement on any of the misconduct, as to whether such employee may be compelled to face the departmental trial after retirement and whether any punishment order may be awarded against him after his retirement.

Admittedly, the aforesaid question is no more res integra after the dictum of Bhagirathi Jena (supra) and it has been held by the Hon'ble Apex Court that if there is no such statutory prescription to make deduction of any amount from the employee or to punish him/ her after his/ her retirement for any misconduct, no such order can be passed against such employee after his/ her retirement. Even the Hon'ble Apex Court in re: Dev Prakash Tewari (supra) has held that not only such departmental enquiry would lapse after retirement of such employee, he/ she shall be entitled for the emoluments payment to him/ her. **[Ashok Kumar Singh vs. U.P. State Food and Essential Commodities Corp. and others, 2021(8) ADJ 177(LB)]**