



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 11791/2015

Girdhari Karmachandani (**Dead**) S/o Shri Sital Das, r/o H-17, Makarwali Road, Near Jain Chhatries, Indra puri, Regional College, Ajmer through his Lrs

1/1 Arti Karmachandani 61 years r/o H-17, Makarwali Road, Near Jain Chhatries, Indra puri, Regional College, Ajmer

1/2 Sandeep Karmachandani s/o Girdhari Karmachandani, aged 34 years, r/o H-17, Makarwali Road, Near Jain Chhatries, Indra puri, Regional College, Ajmer

----Petitioners

Versus

1. Punjab National Bank through it's General Manager, Zonal Office, 2-PNB House Nehru Place, Tonk road, Jaipur (Raj.)

2. Chief Manager, HRD Department, Circle Office, Jodhpur (Raj.)

3. Chief Manager, Punjab National Bank, Branch Office, Beawar (Raj.)

----Respondents

For Petitioner(s) : Mr. Sunil Samdaria

For Respondent(s) : Mr. B.K. Gupta

JUSTICE ANOOP KUMAR DHAND

Order

04/02/2025

1. By way of filing this writ petition, a challenge has been led to the chargesheet dated 09.06.2015 and the amended charge-sheet dated 04.08.2015 so also the consequential proceedings.

2. At the outset, it has been apprised to this Court by counsel for the petitioner that during pendency of this petition, the petitioner has expired, hence under the changed circumstances, the department cannot proceed with the impugned charge-sheet and the petition stands abated.



3. Once allegations are made against an employee who is no longer alive, there is no one who can effectively defend those allegations on his behalf. The employee is the only person who has the knowledge of the facts related to the allegations and he is the only person who can properly defend himself but after the employee's death, no one can defend the allegations in the same way, as the employee's knowledge of the relevant facts has been lost. Unless the employee is given a proper opportunity to defend himself, no proceedings can continue to establish the allegations levelled against him. In this case, after the death of the employee, it is impossible to provide an opportunity to defend the allegations, as there is no one who can adequately do so. Therefore, the inquiry cannot continue after the death of the employee in question.

4. Since the delinquent employee i.e. the petitioner has expired, the respondents cannot proceed against him on the basis of the charge-sheets dated 09.06.2015 and 04.08.2015 and the proceedings arising out of these charge-sheets come to an end automatically. The respondents are directed to proceed further in the matter and release the dues of the deceased petitioner in favour of the legal representatives of the deceased petitioner for which they are entitled. The legal representatives of the deceased petitioner would be free to file a representation claiming the dues and entitlements of the deceased employee.

5. In case, such representation is submitted by the legal representatives of the deceased petitioner before the respondent authorities, it is expected from the respondent-authorities to



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decide the same by passing a reasoned and speaking order, expeditiously, as early as possible.

6. In view of the observations made herein-above, the present writ petition stands disposed of in the above terms. Stay application and all pending application(s), if any, also stand disposed of.



(ANOOP KUMAR DHAND),J

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