

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Civil Writ Petition No.19633 of 2015

Date of decision: 16.9.2015

Sukhwinder Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Ashok Bhardwaj, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The petitioner was on the second leg of his extension in service after retiring from service on reaching the age of superannuation on 28th February, 2014. The last extension was given to the petitioner on 19th February, 2015 upto 29th February, 2016. On the strength of certain instructions issued by Punjab Government dated 30th April, 2015 [P-7], the extension period of the petitioner has been curtailed on the ground that a charge sheet dated 13th August, 2015 has been issued to the petitioner after the date of superannuation. Pendency of these proceedings has been used against the petitioner to cut short the extension.

Mr.Bhardwaj admits that the extension in service is a concession based right and the view of the learned Single Judge in CWP

No.3826 of 2015; **Romesh Garg v. State of Punjab** rendered on 24th April, 2015 has been affirmed by the Division Bench in LPA No.776 of 2015; **Ashok Arora v. State of Punjab** decided on 20th May, 2015 but since the case involves curtailment of extension period due to disciplinary proceedings pending against the petitioner therein arising out of two charge sheets, then the Division Bench in order to do substantial justice to the petitioner in that case issued a direction modifying the order passed by the learned Single Judge in **Romesh Garg** case whereby the State Government would take final decision on the reply submitted by the petitioner therein to the charge sheet within a period of one month.

Counsel submits that it would be fair and equitable if such a direction is given in the present case as was given by the Division Bench of this Court on 20th May, 2015 to balance out the interest of both the State and the petitioner and that a decision be taken by the disciplinary authority within a reasonable time. Consequently, let a final decision on the reply submitted to the charge sheet be taken within a period of three weeks from the date of receipt of a certified copy of this order whether the case is fit for regular enquiry.

With these, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

September 16, 2015

Paritosh Kumar