

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.23319 of 2015

Date of decision: 02.11.2015

Hardeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Ramesh Goyal, Advocate for the petitioner.

Mr. R.S.Sidhu, Assistant Advocate General, Punjab.

G.S.SANDHAWALIA, J, (Oral)

The challenge in the present writ petition is to the order dated 16.6.2015 (Annexure P/7) whereby the petitioner's second extension on the post of Arts & Craft Teacher from 1.5.2015 to 30.4.2016 has been rejected. Resultantly vide letter dated 22.6.2015(Annexure P/8) he has been relieved from the service with effect from 30.4.2015 by the Headmaster of respondent no.5-School.

Notice of motion.

Mr. R.S.Sidhu, Assistant Advocate General, Punjab accepts notice on behalf of the respondents.

A perusal of the impugned order dated 16.6.2015 would go on to show that the reason for declining of the second extension is on account of the charge sheet dated 24.4.2015(Annexure P/3) having been issued to the petitioner for major punishment under Sub Rule 5(v-ix) and Rule 8 of the Punjab Civil Services (Punishment & Appeal) Rules, 1970 keeping in view the instructions dated 30.4.2015 (Annexure P/6).

A perusal of the paper book would go on to show that the petitioner filed an appeal to respondent no.1 against the said order on 9.7.2015(Annexure P/9) and the said appeal was sent to respondent no.2 for further action on 21.8.2015 (Annexure P/12). It is also the case of the petitioner that he was called for personal hearing on 16.10.2015 vide letter dated 29.9.2015 (Annexure P/13) and that the proceedings have further been deferred for consideration. In such circumstances, the present

petition is premature as the respondent no.2 has yet to take a final call on the said issue.

Since it is a matter of extension, it would be appropriate if a decision is taken at the earliest and the authority concerned shall apart from the issue of extension take into consideration the fact that the petitioner has worked after the expiry of period of first extension from 1.5.2015 till he was relieved on 22.6.2015. In case the second extension is declined, respondent no.2 shall also decide the issue as to whether the petitioner is entitled to the financial benefits for the period after the expiry of first extension for the period which he admittedly worked. The necessary exercise be done within a period of four weeks from the date of receipt of a certified copy of this order.

Accordingly, the present writ petition is disposed of.

November 02, 2015
Pka

(G.S.SANDHAWALIA)
Judge