

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.3580 of 2015(O&M)
Date of decision: 27.08.2015

M.P.S.Kalra & another

....Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present: Mr.R.K.Arora, Advocate, for the petitioners.

Mr. H.S.Sethi, Addl.A.G., Punjab.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition are to the orders dated 16.02.2015 (Annexure P4 & P5) whereby the benefit of extension in service, granted to the petitioners, has been cut short on account of a common chargesheet dated 08.07.2008 under Rule 8 of the Punjab Civil Services (Punishment & Appeals) Rules, 1970, in view of the instructions dated 30.10.2014 (Annexure P6) and dated 07.01.2015 (Annexure P7).

In the case of the petitioner no.1, he is on second extension and the same is to expire on 31.08.2015, i.e., 4 days from today. In the case of petitioner no.2, his first extension is to expire on 31.08.2015.

Counsel for the petitioners has pointed out that the abovesaid chargesheet dated 08.07.2008 has been dropped vide order dated 03.06.2015 (Annexure P13) and thus, contends that the benefit is to be granted to the petitioners in as much as qua petitioner no.1, he is entitled to continue till 31.08.2015.

Regarding petitioner no.2, his argument is based on the strength of the

decision of this Court in LPA No.776 of 2015 titled *Ashok Arora Vs. State of Punjab & others* decided on 20.05.2015. In the abovesaid case, in similar circumstances, there were two chargesheets and in one case, the employee had been exonerated whereas in the second chargesheet, observations had come in favour of the employee. Accordingly, the Division Bench had directed that decision be taken by the State Government regarding the second chargesheet. Relevant observations read as under:

“Since the appellant has been denied extension in service for want of (i) final decision in the first charge-sheet by the Competent Authority and (ii) the decision of the Competent Authority whether or not to proceed against the appellant in the second charge-sheet, we dispose of this appeal by modifying the order passed by the learned Single Judge, but without expressing any views on merits, with a direction to the State Government to take its final decision in respect of the charge-sheet dated 23.09.2013 within a period of one month from the date of receiving a certified copy of this order. Further, the Competent Authority shall within the above-stated period, decide whether the appellant is to be departmentally proceeded with pursuant to the 2nd chargesheet dated 18.02.2015. If the decision to be taken by the State Government exonerates the appellant, we see no reason on record to deny him extension in service.

Let the decision in that regard be taken within one month thereafter.”

Counsel for the petitioners submits that the petitioners be granted the same benefits to which the State counsel, could raise no valid objection.

Accordingly, keeping in view the above facts in mind, the present writ petition is disposed of, by quashing the extension order in case of petitioner no.1, since proceedings have already been dropped, he will be allowed to continue till 31.08.2015. Regarding, petitioner no.2, the concerned Committee will take a decision on the second extension, within a period of 2 weeks from the receipt of a certified copy of this order. Till then, petitioner no.2 shall be allowed to continue in service. In case any adverse order is passed against him, he will have liberty to challenge the same.

27.08.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE