

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P. No. 4586 of 2015

Pronounced On : 24.04.2015

Rakesh Kumar Sharma Petitioner

vs.

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Jaswinder Singh, Advocate
for the petitioner.

Mr. Sushant Maini, DAG, Punjab.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner challenges the order dated 27.02.2015 (Annexure P-5), through which, the petitioner has not been granted extension in service, on the ground that it has been decided to issue charge-sheet against him for certain alleged acts of omission and commission on his part.

A perusal of the impugned order shows that the petitioner has been denied extension in his service on the ground that since a decision has

been taken by the respondent Municipal Corporation, Ludhiana (hereinafter referred to as – the Corporation) to issue charge-sheet to the petitioner, as per the instructions of the Government of Punjab, as applicable to the employees of respondent Corporation dated 30.10.2014, read with the instructions dated 07.01.2015, his request for grant of extension has been denied.

A perusal of the instructions dated 30.10.2014 and 07.01.2015 shows that an employee, against whom departmental action is already pending, is not to be granted extension. Admittedly, on the date, when the impugned order was passed, no departmental proceeding was pending against the petitioner. That being so, the impugned order cannot be sustained.

Resultantly, the order dated 27.02.2015 (Annexure P-5) is quashed and the respondents are directed to re-consider the case of the petitioner with regard to grant of extension in service, as per the instructions dated 30.10.2014, read with the instructions dated 07.01.2015.

The above exercise be done within one month of the date of receipt of certified copy of this order.

The writ petition stands allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

Pronounced On : 24.04.2015

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