

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.776 of 2015 (O&M)

Date of Decision: May 20, 2015

Ashok Arora

.....Appellant

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.D.S.Patwalia, Senior Advocate, with
Mr.Bikramjit S.Patwalia, Advocate, for the appellant.
Mr.Aman Bahri, Additional AG, Punjab.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Aman Bahri, learned Additional Advocate General, Punjab accepts notice on behalf of the respondents.

Let four copies of the paper book be supplied to learned State counsel during the course of day failing which this order shall be automatically recalled and the appeal shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to call for reply to the writ petition and/or to produce the records.

The controversy pertains to non-grant of extension to the appellant in service beyond the age of 58 years. The

same has been denied on the ground that disciplinary proceedings for major penalty are pending against him.

Learned Single Judge has summarily dismissed the appellant's writ petition on the strength of his earlier decision dated 24.04.2015 rendered in CWP No.3826 of 2015 (Romesh Garg versus State of Punjab and others). The view taken by learned Single Judge appears to be the correct statement of law, hence, no elaborate discussion is required on that issue.

The case of the appellant, however, appears to be slightly different. He refers to the document (Annexure P-10) containing minutes of the meeting held on 31.03.2015, especially the details of disciplinary proceedings pending against him as mentioned therein. It appears that there were two charge-sheets served upon the appellant. In the first charge-sheet dated 23.09.2013, the Inquiry Officer has exonerated him but the Administrative Department is yet to take the final decision. As regard the second charge-sheet dated 18.02.2015 is concerned, the department itself has observed that the appellant was not posted in the Municipal Council, Nabha during the period when Government Instructions were allegedly violated.

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 charge-sheet 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.

[SURYA KANT]
JUDGE

May 20, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE