

C.W.P No. 10145 of 2015 (O&M)

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 10145 of 2015 (O&M)

DATE OF DECISION:18.10.2016

Amarjit Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. RD Bawa, Advocate
for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

Mr. Surmukh Singh, Advocate
for respondent No.5.

DAYA CHAUDHARY, J.

C.M. No. 12517 of 2016

This application has been filed for placing on record affidavit of the petitioner.

Application is allowed and affidavit of the petitioner is taken on record.

C.M. No. 13120 of 2016

This application has been filed for placing on record affidavit of respondent No.5.

Application is allowed and affidavit of respondent No.5 is taken on record.

C.W.P. No. 10145 of 2015

The case of the petitioner is that he was never allowed to join the duty by respondent No.5, whereas, the stand of respondent No.5 is that in spite of giving several opportunities, the petitioner never joined the duty.

Learned counsel for respondent No.5 has shown a photocopy of the order, whereby, an amount of pension and other retiral benefits of the petitioner have already been sanctioned.

The period of two years has already expired and now the extension could not be granted to the petitioner.

Since disputed questions of facts have been raised while arguing the case by learned counsel for the petitioner as well as respondent No.5, which cannot be decided in the writ petition, as the same are matter of evidence. Let an inquiry be got conducted by Director Public Instructions (Schools), Punjab, to ascertain as to whether the petitioner was not allowed to join duty or he himself did not join the duty in spite of sending oral instructions, messages and letters. The inquiry be conducted within a period of two months. Thereafter the necessary action be taken in accordance with law.

Disposed of accordingly.

October 18, 2016
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No