

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Civil Writ Petition No. 12851 of 2016 (O&M)
Date of Decision: 29.07.2016**

Tarsem Ram

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

Mz. Sudeepti Sharma, Deputy Advocate General, Punjab
for the respondents.

JASWANT SINGH, J. (ORAL)

Petitioner-Tarsem Ram is working as a Junior Assistant in the Department of Transport, Punjab. He has laid challenge to the order dated 16.06.2016 (**Annexure P-1**), whereby he has been ordered to be retired on completion of 59 years age as on 30.06.2016, after having availed the extension for one year.

Upon notice, a reply has been filed, wherein it is submitted that the extension for second year has not been granted due to a previous alleged misconduct of having used foul language in the representation dated 04.10.2011 (**Annexure P-16**). It is also stated that now a charge-sheet has been issued on 29.06.2016 regarding the said misconduct during his actual service before attaining the age of superannuation of 58 years on

30.06.2015.

It transpires that the alleged foul language forming basis of the entire action, as contained in the representation dated 04.10.2011 **(P-16)** related to claim of the petitioner seeking removal of disparity in his basic pay in relation to four other Junior Assistants, the said alleged offending portion reads as under:-

“I am sorry to point out that despite the lapse of over two years period, no action has apparently been taken so far by your office.”

At the time of hearing, Mr. Harmail Singh, State Transport Commissioner, Punjab, is present in Court and very fairly assures the Court that the entire matter will be re-considered and charge-sheet would be dropped. He further states that a fresh order granting extension to the petitioner w.e.f. 01.07.2016 will be passed within two days. He also states that in future, the office would not pass any order in a casual manner.

Accordingly, in view of the aforesaid stand of the Transport Commissioner, the order dated 16.06.2016 **(P-1)** retiring the petitioner w.e.f. 30.06.2016 is quashed. The respondents shall be bound by their respective stand as stated above.

July 29, 2016
'dk kamra'

(JASWANT SINGH)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No