

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

CWP No.16543 of 2016

Date of Decision:08.11.2016

Rajdeep Singh

... Petitioner

Vs.

Punjab State Warehousing Corporation and others

... Respondents

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

Present : Ms. Jagdeep Bains, Advocate for the petitioner.

Mr. Abhishek Arora, Advocate for respondents No.1 and 2.

Mr. Piyush Khanna, Advocate for respondent No.3.

P.B. BAJANTHRI J.

In the instant writ petition, the petitioner has sought for a direction to the respondents-Punjab State Warehousing Corporation to decide the application (Annexure P-8) or in the alternative relieve the petitioner with no objection to enable the petitioner to join the services of the Punjab State Power Corporation Limited where he has been selected and appointed to the post of Assistant Manager HR.

Learned counsel for the Punjab State Warehousing Corporation Submitted that the petitioner has been charge-sheeted on 17.6.2013 and the matter is pending consideration, therefore, they are not in a position to relieve the petitioner to join as Assistant Manager HR in the Punjab State Power Corporation Limited.

The selection and appointment relates to July 2016 whereas charge-sheet was issued on 17.6.2013. There is no progress in the charge-sheet/inquiry for no reason. It was only on the presumption that in an identical matter where an employee has been charge-sheeted, this Court has granted interim order, therefore, the respondent-the Punjab State

Warehousing Corporation has not proceeded to complete the inquiry proceedings pursuant to the charge-sheet dated 17.6.2013 against the petitioner. The Punjab State Warehousing Corporation could have completed the inquiry proceedings initiated on 17.6.2013 since there was no hurdle or any interim order staying the operation of the charge-sheet dated 17.6.2013. The respondent-Punjab State Warehousing Corporation is sleeping over the matter which is coming in the way of the petitioner to join the newly selected and appointed post of Assistant Manager HR in the Punjab State Power Corporation Limited. The petitioner should not be penalized for no default on his part as finalization of disciplinary proceedings is beyond his control.

Having regard to the facts and circumstances of the case, the Punjab State Warehousing Corporation is directed to complete the inquiry proceedings initiated on 17.6.2013 and to pass final order within a period of four months from today. Further respondent No.3-Punjab State Power Corporation Limited is directed to extend joining period of the petitioner to the post of Assistant Manager HR for further period of four months as a special case.

With the above observation, the writ petition stands disposed of.

08.11.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**